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XLIV

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY OF MARYLAND

(21)

1745-1747

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BERNARD CHRISTIAN STEINER

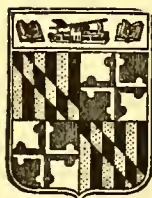
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- XXXVIII. PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY (17),
ACTS HITHERTO UNPRINTED, 1694-1729, - - - - 1918
- XXXIX. PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY (18),
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- XL. PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY (19),
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1740-1744, - - - - - 1923
- XLIII. JOURNAL AND CORRESPONDENCE OF THE STATE COUNCIL
(5), OCTOBER 27, 1779-NOVEMBER 11, 1780, - - - 1924
- XLIV. PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY (21),
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LETTER OF TRANSMISSION.

BALTIMORE, July 1, 1925.

To the Maryland Historical Society.

GENTLEMEN :

Your Committee on Publication has the honor to submit the Forty-Fourth Volume of the Archives of Maryland, containing the Proceedings and Acts of the General Assembly of Maryland at the Sessions held from 1745 to 1747.

The Session of August, 1745, was the first one of a new Assembly, which is apparently the forty-sixth one in our Provincial History.

A bibliographical discussion of the printed votes and Session Laws of the various Sessions will be found in Wroth's "History of Printing in Colonial Maryland."

Prof. Geoffrey Callender, in the magazine *History* for 1924 at page 205, wrote: "History is surely the mastery of facts, not the mere marshalling of them," but for that mastery the orderly presentation of these facts is vitally important and the volumes of the Archives, carefully indexed, fulfil that function. T. R. Glover (*The Pilgrim*, page 125) wrote that "Historical inquiry, like all criticism, is directed to the learning of facts and sequences and to the clearing of ideas; it cannot alter facts, though it may affect our interpretation of them." The study of such volumes as this leads the scholar to the conclusion which was reached by Glover in the same book at page 55, viz: "History is always rational; and a solution of historical problems, that depends on life and the universal proving irrational, cannot be true."

There are a comparatively few references to this period in books not previously mentioned in these introductions. For example, the Lancaster Indian Treaty of 1744 is discussed in Osgood's "American Colonies in the 18th Century" (III, page 385). The valuable report by Miss Adelaide R. Hasse in the Report of the American Historical Association for 1906 (Vol. 2, page 448) contains references as to the Bibliography of the Public Records of the Province of Maryland.

Dr. Percy S. Flippin's "Royal Government in Virginia," published in 1919, often throws a helpful sidelight upon conditions in Maryland.

Recent volumes of the Archives have given much information concerning the Carthagena Expedition of 1740. Upon this subject the Virginia Magazine of History and Biography for January, 1922, contains an interesting article

by E. Alfred Jones, in which article are the following references of three Maryland men:

Captain Thos. Addison. A gentleman residing upon his Estate in Maryland. Raised his Company at his own Expence, was wounded upon the Attack of Fort Lazare, and Major Gen'l Wentworth gave him a good Character.

Captain John Lloyd. Lived in Maryland upon his own Fortune, where he raised his Company at his own expence, was upon Service during the whole Expedition. Major General Wentworth and Brig'r Gen'l Blakeney gave him a good Character.

Captain John Milburn. Lived at Maryland upon his Estate, raised his Company at his own Expence, was on Duty in the Expedition till the Regiment was reduced, and Major General Wentworth gave him a good Character, his Commission's dated the 9th June 1740.

E. Alfred Jones's work entitled "American Members of the Inns of Court," 1924, is a valuable book, containing biographies of thirty-five Marylanders, viz: William Bladen (1672/3-1718), Inner Temple; Stephen Bordley (17 - 17), Inner Temple; Thomas Bordley (17 -17), Middle Temple; John Leeds Bozman (1757-1823), Middle Temple; John Brice (17 -17), Middle Temple; Benedict Leonard Calbert (1700-1732), Inner Temple; Charles Carroll, Sr. (1660-17), Inner Temple; Charles Carroll, the Barrister (1732-1783), Middle Temple; Henry Carroll (1697-1719), Gray's Inn; William Cooke (17 -1817), Inner Temple; John Dickinson (1732-1808), Middle Temple; Daniel Dulaney, the elder (1685-1753), Gray's Inn; Daniel Dulaney, the younger (1721-1797), Middle Temple; Daniel Dulaney of Walter (17 - 1785), Middle Temple; Lloyd Dulaney (17 -1782), Middle Temple; George Evelyn (16 -16), Middle Temple; Robert Goldsborough (1733-1788), Middle Temple; Andrew Hamilton (1676(?)-1741), Gray's Inn; John Hammond (17 -17), Middle Temple; Philemon Hemsley (17 -17), Middle Temple; Richard Henderson (17 -), Lincoln's Inn; James Hollyday (1727-1788), Middle Temple; Henry Jowles (16 -1766), Gray's Inn; Edmund Key (17 -1766), Inner Temple; Philip Barton Key (1757-1815), Middle Temple; Sir Thomas Lawrence (1645-1714), Middle Temple; Alexander Lawson (17 -1798), Middle Temple; Philip Thomas Lee (1738-1778), Middle Temple; Richard Lee (1719-17), Middle Temple; Nicholas Maccubbin (17 -17), Middle Temple; Robert Milligan (17 - 17), Middle Temple; William Paca (1740-1799), Inner Temple; George Plater (1695-1755), Inner Temple; James Lloyd Rogers (1748-1777), Inner Temple; Gustavus Scott (1753-1801), Middle Temple; Edward Tilghman (1750-1815), Middle Temple.

We now enter upon the most humiliating period of Maryland history. For a period of several years, the Governor and the representatives of the people of Maryland indulged in petty bickering and fault finding, in quarrelling and recrimination and did not enact the constructive measures needed to meet the emergencies which arose from time to time. The members of the Lower House were fussily insistent on their privileges and sometimes resorted to sharp parliamentary practice, hoping thereby to gain their ends. The Governor was bound by his instructions from a selfish and distant Lord Proprietary and was often exasperated by the proceedings of the Delegates to such an extent as to forget his dignity and to scold them. The Assembly which met in August, 1745, was one in which a bill for the limitation of officers' fees, bills to establish two new counties, a bill for laying a tax for the discharge of the quit rents, and a bill for the trial of matters of fact in the County Courts were vetoed by Gov. Bladen, who had, ere this, lost his whilom popularity. These vetoes naturally irritated the Lower House. Fifteen acts were passed: four dealt with laying out towns (one of which consolidated Baltimore and Jonestowns), one prohibited raising swine and geese in Cambridge, one authorized the building of a rolling house for tobacco, one provided for dividing parishes in St. Mary's and Charles Counties, one directed the publication of laws, four corrected defects in land titles, one validated a will, one established the gauge of barrels and one determined the allowance for petit jurors. There were many changes in the Delegates: St. Mary's sent an entire new delegation; Kent replaced Calder by Harris; Calvert sent Mackall for Weems; Somerset replaced Gale by Dennis (of the family of the Chairman of the Publication Committee); Dorchester replaced Trippe and Hindman by Hooper and Sullivan; Baltimore replaced Aquila Paca, Scott and Caswell by John Paca, Buchanan and John Hall; Annapolis sent Steuart instead of Tasker, who had been transferred to the Council; Queen Anne's sent Hopper instead of Wright and Worcester replaced Robins by Outten.

The main object of summoning the session was lost in a controversy between the two Houses. Gov. Bladen announced that the Session had been called to secure assistance for the garrison of Louisbourg on Cape Breton Island, whose capture recently by the New England provincial troops and the British fleet had been so brilliant an achievement. After some debate, the Lower House agreed to make an appropriation for that purpose, recovering the money from a tax on ordinaries, but they tacked to the bill a provision for a Provincial Agent in London. This tacking was denounced by the Upper House, which knew that the desire for such an agent was that there might be someone at the British Capital to voice an opposition to the Lord Proprietary. The Lower

House refused to yield and the bill was lost. Thus factiousness and an indefensible parliamentary practice caused the province to fail to do her due part in King George's War. In the discussion, the Lower House advanced the extreme position that not only must money bills originate therein, but also that amendments must not be made to such bills by the Lower House.

The usual joint committee examined the accounts of the Commissioners for emitting bills of credit. On a few bills, the Houses managed to come together and the reasons for the gubernatorial vetoes are rather obscure.

Gov. Bladen's address to the Lower House at the close of the session was unusually long and bitter in tone. Not only did he take them to task for the procedure in regard to the agent, but also for their acts in the contested election cases, for their refusal to allow the yeas and nays to be called and for improper procedure towards magistrates against whom complaints had been made.

The Lower House consisted of fifty-four members, four from each of the thirteen counties and two from Annapolis City. Col. Edward Sprigg, of Prince George's County, was again chosen speaker and there were six committees appointed. As in previous sessions, some members served on more than one committee and some on none. The Committee on Laws numbered nine members; those on Elections and Privileges, on Aggrievances and Courts of Justice, and on Arms and Ammunition of seven; those on Accounts and Bills of Credit of five each. The claims of rights of Englishmen were spread on the journal and it was speedily held to be a grievance that a poll tax of a pound of tobacco was levied for the militia.

There were three contested elections. George Steuart was unseated as a Delegate from Annapolis and Stephen Bordley was given the seat without a record vote. The first division of the Session occurred on August 14, when the House voted to tack a provision as to a Provincial Agent on the supply bill for Louisbourg by vote of 30 to 18. The negative votes were cast by three men from St. Mary's, two from Somerset, three from Dorchester, two from Cecil, one from Baltimore, the two from Annapolis, one from Queen Anne's and three from Worcester. We notice here as throughout the session that the Lower Eastern Shore, St. Mary's, and Annapolis formed the chief part of the Court Party, while Kent, Talbot, and Queen Anne's, Baltimore, Charles, Calvert, and Prince George's represented the country party.

On August 23, occurred the second and third divisions. By a vote of 16 to 35, the House voted not to enlarge the jurisdiction of the county courts. The minority consisted of three delegates from Anne Arundel, one from Charles, one from Somerset, three from Talbot, two from Dorchester, one from Cecil,

two from Prince George's, one from Queen Anne's and two from Worcester. There seems to have been no politics in the division.

Upon the other division, the House voted 44 to 7 to print Gov. Shirley's letter to Gov. Bladen. Only three members were absent and the minority consisted of Barnes from St. Mary's, King and Dennis from Somerset, George and Colvil from Cecil, Buchanan from Baltimore, and Gordon from Annapolis. Except Buchanan, these men were always strong supporters of the Proprietary. The Upper House was so indignant at this vote that it threatened Jonas Green, the printer, with punishment, if he complied with it, and, at his request, the House waived this printing.

The fourth division was taken on August 25, on the adoption of a Committee report, complaining that officers' fees were taken in accordance with a governor's proclamation. Only 8 members opposed the report. All four of the delegates from Somerset County voted in support of the Governor, as did Sulivane of Dorchester, Colvil of Cecil, Gordon of Annapolis and Purnell of Worcester. Those in favor of adopting the report numbered 38.

On the 28th of August, a contested election in St. Mary's gave rise to a division. Mills, who was returned elected, and Swan tied in the vote at the polls and the sheriff cast the deciding vote for Mills. The House decided that the sheriff had no right to vote: seventeen members holding such a vote was proper, while thirty-one denied the legality of his act. The three other members from St. Mary's upheld the sheriff, as did Hall of Anne Arundel, Courts of Charles, all the Somerset members but Wilson, Lloyd of Talbot, Ennalls and Sulivane of Dorchester, George and Colvil of Cecil, Buchanan of Baltimore, Gordon of Annapolis, Purnell and Outten of Worcester—for the most part men who belonged to the Proprietary party. On the next day, Mills was ousted from his seat by a vote of 18 to 29, Hooper of Dorchester also voting for him.

On August 29, the third election case was decided and Sulivane of Dorchester was unseated by a vote of 17 to 30, because he had acted as under sheriff. The vote was similar to that in the Mills case, though Abell of St. Mary's changed to vote against the sitting member as did Hall of Anne Arundel, Courts of Charles, Lloyd of Talbot, and Buchanan of Baltimore. Stoughton of Somerset was absent. Lecompte of Dorchester voted against his fellow member. On the other hand, Harris of Kent changed from the negative to the affirmative as did Osborn Sprigg of Prince George's, Hopper of Queen Anne's and Selby of Worcester, while Wilson of Somerset appeared so as to vote for Sulivane. All three men unseated belonged to the Proprietary party.

In recording the results of yea and nay votes, it was customary to place the majority first, whether it were affirmative or negative.

On September 5, the House voted, 9 to 39, not to give presents to the Six Nations of Indians. The affirmative votes were Barnes of St. Mary's, the Greshams of Kent, Stoughton and Dennis of Somerset, Colvil of Cecil, Joseph Hall of Baltimore, Sprigg of Prince George's, and Gordon of Annapolis. It is difficult to find party lines here.

On the same day, the House voted 31 to 17 to place in the fee bill fees one fifth less than the former ones. The negative votes were chiefly of the Country party, which now for some time lost control of the body: George Wilson of Kent, all the Anne Arundel members, except Henry Hall, the three Calvert men present, the Goldsboroughs of Talbot, Hooper and Lecompte of Dorchester, all the three Prince George's men, Bordley of Annapolis, and Thomas Hammond of Queen Anne's.

In a third division on that day, the fees were fixed at nine pounds of tobacco for copying a side, by a vote of 32 to 16. The vote was curiously different from the preceding one. The majority were strange bedfellows and the minority consisted of Barnes of St. Mary's, the Greshams of Kent, Courts of Charles, all four Somerset members, Ennalls of Dorchester, all the members from Cecil except Hyland, John Hall and Buchanan of Baltimore, Gordon of Annapolis and Outten of Worcester—in general Proprietarians. On September 6, the House, by 23 to 25, refused to reconsider this vote and Abell and Bond of St. Mary's, Sheridine and Paca of Baltimore, Thomas Wilkinson of Queen Anne's, as well as Purnell and Selby of Worcester changed their vote, most of them being Proprietarians.

At the next division, on September 11, the Lower House voted to have a composition for quit-rents, by a vote of 31 to 17. The negative vote was largely of the Country party: Bond of St. Mary's, all four Anne Arundel members, all four from Calvert, William Wilkinson of Charles, Nicholas Goldsborough of Talbot, Sheridine and Paca of Baltimore, the three Prince George's men and Bordley of Annapolis. By exactly the same vote, the house voted that the composition should be £5000 and not £4500, but Lloyd of Talbot changed from affirmative to negative and Paca of Baltimore from negative to affirmative. A third division, on that day, resulted in a decision, 17 to 31, not to insert alienation fines in the quit rent bill. The votes were cast just as before.

On September 12, the yeas and nays were called six times, a number never before reached in Maryland. When the question arose as to whether a duty should be laid on other commodities than tobacco, the House divided evenly,

24 to 24, and the Speaker, voting in the affirmative, broke the tie. Those with whom he voted were of the Provincial party for the most part, including all members present from St. Mary's, Anne Arundel, Calvert, Charles, Talbot, Baltimore, Prince George's and Bordley of Annapolis. It was a tobacco raising group of counties and the solidarity of the delegations is noteworthy. Not a county split.

By a vote of 25 to 23, the House voted to fill blanks in the quit-rent bill. Barnes of St. Mary's left his colleagues on this vote, so the Speaker was not called upon. By a vote of 26 to 22, the House decided that the duty on tobacco exported should be 2/9 and not 2/6. Buchanan of Baltimore left his colleagues and the others voted as previously. Next it was decided that the duty on tobacco for the support of government should be a shilling and not nine pence, by a vote of 26 to 22. The previous minority was swelled by Abell and Barnes of St. Mary's and lost Bond of St. Mary's and Paca of Baltimore. The House then voted, 25 to 23, that three pence of the shilling should be expended for arms and ammunition, Abell changing his vote from a yea to a nay. Next it was determined that the life of the quit rent bill should be fifteen and not seven years, by a vote of 28 to 20—Abell reverting to the majority, which also gained Lloyd and Thomas of Talbot.

In the first division, on September 13, the Lower House voted to answer an address from the Upper, by a vote of 24 to 23. The affirmative votes were cast by Wilson and Harris of Kent, the Anne Arundel delegation, that from Calvert, the two Charles County men present, Nicholas Goldsborough, Lloyd of Talbot, Hooper of Dorchester, Hyland of Cecil, Paca and John Hall of Baltimore, the Prince George's delegation, Bordley of Annapolis and Pemberton and Hammond of Queen Anne's—a list comprising the chief opponents of the Proprietary. The second division of September 13 resulted in a decision, by a vote of 27 to 20, to lay a duty on wheat and flour exported. The negative votes were cast by Bond of St. Mary's, the anti-Proprietary delegates from Anne Arundel, Calvert and Charles, the Talbot men (except John Goldsborough, who was absent), Sheredine and Paca from Baltimore and Bordley of Annapolis. I cannot discern the principle of their vote. On that day, it was further determined, by a vote of 41 to 6, to lay a duty on negroes of twenty and not fifteen shillings. Those who preferred the smaller amount were the two Greshams of Kent, Henry Hall of Anne Arundel, Dennis of Somerset, Thomas of Talbot, and Sprigg of Prince George's.

There were four divisions upon September 14. The House decided, by a vote of 27 to 15, to consider the quit-rent bill as on a first and not on a second reading. The minority consisted of the anti-Proprietary group from Anne

Arundel, Calvert and Charles, Nicholas Goldsborough and Lloyd of Talbot, John Hall of Baltimore, Wootton and Sprigg of Prince George's and Bordley of Annapolis. Next the House determined not to pay the Governor £1000 out of the shilling tax, by a vote of 18 to 26. The affirmative votes were cast by the anti-Proprietary delegations from Anne Arundel, Calvert and Charles, Nicholas Goldsborough and Lloyd of Talbot, Pearce of Cecil, John Hall and Buchanan of Baltimore, Wootton and Sprigg of Prince George's and Bordley of Annapolis. By the same vote, the House decided not to use part of the twelve pence for arms and ammunition. Though the result was the same, Thomas of Talbot changed from negative to affirmative and Pearce of Cecil from affirmative to negative.

The Proprietary Party held its control of the House and carried the quit-rent bill by a vote of 28 to 16. The delegates from Anne Arundel, Calvert and Charles, Nicholas Goldsborough and Lloyd of Talbot, John Hall and Buchanan of Baltimore, Wootton and Sprigg of Prince George's and Bordley of Annapolis formed the opposition.

On September 16, the House voted that the bill for an imposition on tobacco should be engrossed by 28 to 17, the opposition being composed of the strong anti-Proprietary members from Anne Arundel, Calvert, Charles, Talbot, Baltimore, Prince George's and Annapolis.

The House voted, on September 17, not to read the quit-rent bill by a vote of 24 to 26. It was an anti-Proprietary triumph; for the affirmative votes were Abell and Barnes of St. Mary's, the Greshams of Kent, the Somerset, Dorchester, Queen Anne's and Worcester delegations, Thomas of Talbot and Gordon of Annapolis. By a vote of 34 to 14, the House then again decided to pay nine pence per side, the negative votes being cast by Harris of Kent, the delegation from Anne Arundel, Smith and Joseph Hall of Calvert, Smallwood of Charles, Nicholas Goldsborough of Talbot, Lecompte of Dorchester, the Prince George delegates and Bordley of Annapolis.

On September 19, the question arose as to whether Prince George's County should have one or two divisions and it was decided in favor of the former, by a vote of 27 to 23. In the affirmative, voted the delegations from Kent, Somerset, Talbot, Dorchester, Cecil, Queen Anne's and Worcester and Gordon of Annapolis (the only delegation which did not vote together).

The quit rent bill finally passed on September 20, by a vote of 30 to 18, the minority being composed of the anti-Proprietary votes from Anne Arundel, Calvert, Charles, Talbot, Baltimore and Prince George's and Bordley of Annapolis.

On September 23, the Proprietary party won another victory, casting 27 votes in favor of making an allowance to Councillors in the Journal of Accounts, while 22 votes were cast in opposition by Bond of St. Mary's, Wilson and Harris of Kent, three delegates from Anne Arundel (Henry Hall voted aye!), the delegates from Calvert, Charles and Talbot, Hooper of Dorchester, Sheredine and Paca of Baltimore (John Hall and Buchanan voted aye), Wootton and Addison of Prince George's (Sprigg voted aye!) and Bordley of Annapolis. Upon the same day, the House indefinitely postponed (by assigning the consideration of the subject to a day after the close of the session) the provision for an appropriation for the purchase of arms, etc., by a vote of 32 to 18. The Proprietary forces were beaten, mustering only Barnes of St. Mary's, three of the four members from Kent (Harris voted aye!), the Somerset delegates, Thomas of Talbot, Ennalls of Dorchester, Colvill and George of Cecil, Gordon of Annapolis, Wilkinson and Hopper of Queen Anne's and Henry, Selby and Outten of Worcester. On the following day, September 24, a motion to reconsider this action was rejected by precisely the same vote.

On September 24, the House, by the same vote, refused to reconsider this decision. The House decided, by a vote of 24 to 21, to approve of a message to the Upper House refusing to agree to its amendments to the Journal of Accounts. The majority contained the Proprietary party and may have wished to ward off a more hostile message, comprising the delegations from St. Mary's, Somerset, and Cecil, the Greshams of Kent, Henry Hall of Anne Arundel, Courts of Charles, Thomas of Talbot, Ennalls and Lecompte of Dorchester, John Hall of Baltimore, Gordon of Annapolis, all the Queen Anne's members except Pemberton, and Henry and Purnell of Worcester.

The last division of the Session followed immediately and resulted in a determination, by a vote of 25 to 19, not to grant Bladen's request of a present for the Six Nations. Those who would have made the present were Bond and Barnes of St. Mary's, the Greshams of Kent, Henry Hall of Anne Arundel, Courts of Charles, Stoughton, King and Dennis of Somerset, George and Colvill of Cecil, Sheredine, Paca and John Hall of Baltimore, Sprigg of Prince George's, Gordon of Annapolis, Pemberton and Hammond of Queen Anne's and Henry of Worcester.

On that day, largely on account of the Militia Bill's failure, Gov. Bladen prorogued the Assembly, whose record of 37 divisions far surpassed any previous Session.

A new Assembly was chosen and sat from March 12 to 29, 1745/6. This was another "addled" session. Bladen told the members that he summoned

them because of a message from Gov. Clinton of New York that there was danger that the Six Nations would be seduced by the French and because of the Jacobite Rebellion in England. The Assembly adopted loyal addresses and signed an Association, pledging fidelity to the Crown; though the Lower House made some scruple as to the original wording of the document, which seemed to show them too well content with Proprietary rule. Nothing was done as to the Indians. The usual resolves claiming rights of Englishmen were spread on the House Journal. Key took the place of Abell and Mills, who had been unseated at the last session, was again returned from St. Mary's. No changes occurred in the delegations from Kent, Anne Arundel, Calvert, Charles, Baltimore or Talbot. Dashiell succeeded Wilson in Somerset; as did Lee, Sulivane in Dorchester; Bayard, Colvill in Cecil; Stoddert, Osborn Sprigg in Prince George's; Dulaney, Bordley from Annapolis; Tilghman, Wilkinson from Queen Anne's; while Robins and Scarborough took Selby's and Outten's places from Worcester. Sprigg was again chosen speaker.

On March 18, the House first divided and voted, 22 to 20, to give money to the Indians. Key, Bond and Mills of St. Mary's, R. Gresham and Harris from Kent, Hall of Anne Arundel, Courts of Charles, the Somerset delegation, Thomas of Talbot, Hooper of Dorchester, Bayard of Cecil, Paca of Baltimore, the two Annapolis delegates, Hammond of Queen Anne's, and the Worcester delegation formed the majority.

On March 26, four divisions were taken. It was voted, 28 to 20, to lay a duty on tobacco for the purchase of arms, etc. The Proprietary members voted no: the delegations from St. Mary's, Somerset and Worcester, the Greshams, Thomas of Talbot, all the Dorchester members but Lee, and the two from Annapolis.

Then they voted, 26 to 22, to make the duty not three pence per hogshead, but four pence, Lee and Bayard changing their votes. At the third division, the House decided, 30 to 18, that the proceeds of the tax should be paid to Sprigg, the Speaker, and not to the Provincial Treasurer. The minority lost Bayard and the three Dorchester men. Finally, the House voted, 37 to 11, to pay the Armorer in current money. The minority consisted of Barnes of St. Mary's, the Greshams, the Somerset members, Gordon of Annapolis and three members from Worcester (Purnell voted aye!).

On March 28, the Lower House refused, 18 to 28, to pass the Arms bill with the Upper House Amendments. The men who voted to pass it were the delegations from St. Mary's, Somerset and Worcester, the Greshams, Lecompte and Lee of Dorchester and the two Annapolis men.

On March 29, the final day of the "Convention," the House refused to put the previous question as to informing the Governor that it proposed to print Gov. Clinton's letter, by a vote of 14 to 28. The affirmative votes were cast by the Somerset delegates, Key and Bond of St. Mary's, the Greshams, Lee of Dorchester, the two Annapolis men, and all the Worcester members, except Henry who voted no.

The next Session convened on June 17, 1746, and was the first Session of the Assembly, inasmuch as it passed bills which became laws. The Governor again summoned the members to aid in King George's War. The first division occurred on June 20, when the House refused to levy an additional tax for a Canadian expedition. Only five voted no (*viz*: Barnes of St. Mary's, Stoughton and Dashiell of Somerset, and Henry and Scarborough of Worcester) while thirty-seven voted aye. On the same day, however, the House refused to tack a provision for an agent in England to the bill appropriating money for the Canadian expedition from the unissued paper money, by a vote of 13 to 13. The irreconcilable Country party consisted of Wilson of Kent, the Anne Arundel delegation, Smith and Browne of Calvert, Courts and Smallwood of Charles, Nicholas Goldsborough, Sheredine of Baltimore and Wootton and Stoddert of Prince George's. On June 23, the Lower House decided not to have a conference requested by the Upper House, by a vote of 16 to 26. The affirmative votes were cast by Barnes and Bond of St. Mary's, the Greshams, the Somerset and Worcester members, George and Bayard of Cecil, Gordon of Annapolis and Hammond of Queen Anne's. A considerable amount of correspondence with Govs. Shirley and Clinton and the Duke of Newcastle was spread on the Journal.

Then the House embarked on a rather ridiculous claim of privilege, urging that, because Gov. Bladen had, in an altercation with Walter Smith, an anti-Proprietary leader, after the close of the last Session, taken him to task for his opposition, the Governor had violated the privileges of the House.

On June 28, the House voted to lay a duty of four pence per hogshead on tobacco for the purchase of arms, etc., by a vote of 31 to 18, for a three penny duty. Those who favored the less amount were Barnes, Bond and Mills of St. Mary's, the Greshams, the Somerset and Worcester members, Thomas of Talbot, Lecompte of Dorchester, George of Cecil, and the two Annapolis men. On the same day, the decision was made, by a vote of 16 to 33, not to alter the provision as to paying the armorer. The affirmative voices were those of Barnes, the Greshams, the Somerset men, Thomas, Lecompte, George, the Annapolitans, Hammond of Queen Anne's, and three of the Worcester members (Henry voted nay).

On July 1, the Lower House voted not to agree to the Upper House's Amendments to the bill for purchasing arms and, in order to justify itself, ordered the text of the bill to be spread on the journal, so that it might be printed and circulated throughout the Province. A similar action was later taken in regard to the bill for better securing the estates of debtors absconding, and the fee bill of the August Session of 1745.

On July 4, the House voted to send the Governor an address, in answer to Bladen's reply to their remonstrance concerning Smith's privilege. The vote was 29 to 20 and the Governor was supported by the full delegations from St. Mary's, Somerset, Worcester and Annapolis, by the Greshams, Thomas, Lecompte, Hyland and Bayard.

On the same day, it was determined not to send the Journal of Accounts back to the Upper House with a message, by a vote of 20 to 27. The affirmative votes were those of the St. Mary's, Somerset, Worcester and Annapolis delegations, of John Gresham, Thomas, Hooper and Ennalls and of Thomas Hammond and Tilghman.

The House now voted, 34 to 15, to consider the proposed address to the Governor. The opponents were Barnes and Key, the Greshams, Thomas, Hammond and the delegations from Somerset, Worcester and Annapolis.

The Governor's friends fought faithfully and twenty voted against approving the address, while twenty-nine favored it. The negative votes were cast by the St. Mary's, Somerset, Worcester and Annapolis delegations, by the Greshams, Thomas, Ennalls and Lecompte, and Hammond of Queen Anne's. They demanded a roll call on the engrossed address and lost by a vote of 28 to 17, Mills and the two Annapolis men having left the House.

On July 7, Gov. Bladen informed the Lower House of the total defeat of the Rebels in Scotland and the house voted to have the Committee of Laws prepare him an address in answer; but, by vote of 35 to 10, refused to instruct the Committee as to that address.

The negative votes were cast by Key of St. Mary's, the Greshams of Kent, Stoughton, King, and Dashiell of Somerset, the two Annapolis delegates and Robins and Scarborough of Worcester.

In addition to numerous papers as to the privileges of the house, the full text of the bills for the purchase of arms and ammunition, for officers fees, and concerning bankrupts, are spread on the minutes, so that the electors might know what had been rejected.

Further appropriation for the war was refused. In addition to the bill taxing ordinaries for support of the war in Canada, five continuing bills were passed, a public school was established in Worcester County, Christ Church

Parish in Calvert County was empowered to build a chapel of ease, and Talbot and St. Mary's Counties were allowed to pay Jonas Green's bill for printing.

A brief Session was held November 6 to 12, 1746, called to provide funds for the purchase of provisions for the troops raised in the Province. A bill for that purpose was the only act passed. The accounts of the expenses of transporting the soldiers to Albany were spread on the Journal. The only division occurred on November 8, when the Lower House voted, 19 to 14, not to address Gov. Bladen upon a complaint from Dr. Carroll of "insults and abuses" from the Governor. Carroll did not vote, but his three fellow members from Anne Arundel favored supporting him, as did Harris of Kent, Joseph Hall and Brome of Calvert, Lloyd of Talbot, Sheredine and Buchanan of Baltimore, Wootton and Addison of Prince George's. The House then adopted a resolution of confidence in Dr. Carroll.

Bladen left the Province soon afterwards and Ogle returned as Governor, a position which he had twice before held and in which he was now destined to continue until his death. Although, when he left the Province, several years before, the relations had been bad between him and the Lower House, now the Delegates worked in a fair harmony with him in the third Session of the Assembly, which lasted from May 16 to July 11, 1747. During this rather long Session, twenty-eight acts were passed, some of which were of a very considerable importance. An assize law, for trial of matters of fact in the several counties where they may arise, was enacted for two years, and provision was made for the inspection of tobacco and the limitation of officers' fees by another statute, which was to endure until 1753. A fire in the house of the clerk of the Charles County Court caused the passage of a law to provide against loss of rights through burning of legal papers and to prohibit removal from any court house of such papers in the future. Other public local laws forbade the raising of swine and geese in Princess Anne Town and in Oxford, directed that Snow Hill Town be laid out anew, and empowered the building of a church and two chapels of ease in the great parish of All Saints, which covered the whole of Western Maryland. Commissioners were empowered to set a price on land in St. Margaret's Westminster Parish, whereon stands the Chapel of Ease (probably Marley Chapel, now removed to Glen Burnie). Baltimore Town was enlarged by the addition of eighteen acres to the east, but must not elect a Delegate to the Assembly. The Public Jail at Annapolis must be repaired. St. Anne's Parish, Annapolis, was empowered to lease certain land. Jonas Green was granted leave to print the Session Laws. The payment of the "public charges" was directed. Four acts provided for the clearing of the title to tracts of land. Seven temporary laws were continued. The sale of

strong liquors, the running of horse races, and the "tumultuous concourse of negroes and other slaves" during the Quaker yearly meetings on West River and Third Haven were forbidden.

A tax was laid on tobacco exported, for the purchase of arms and ammunition, and another tax for the use of the Governor. The effort was made to "prevent the evils arising from the entering of judgments on bonds."

The inspection of tobacco, to improve the staple which was "in so very low and languishing a condition" and the purchase of arms and ammunition were the two subjects urged upon the attention of the Assembly by Gov. Ogle in his opening speech. The division of Prince George's County was one of the important subjects not acted on at this Session.

Two new members appeared from Somerset County: John Dennis had become Sheriff and was succeeded by Isaac Handy and Stoughton had become Deputy Naval Officer and was succeeded by Robert Jenkins Henry. The first division occurred on May 26, when the Lower House refused to pass a bill for encouraging the making of hemp and flax, by a vote of 32 to 17. The votes for the bill were anti-Proprietary: Wilson of Kent, Carroll, Worthington and Hammond of Anne Arundel, Smith of Calvert, Pearce of Cecil, Nicholas Goldsborough, Buchanan of Baltimore, Stoddert and Wootton of Prince Georges, Hammond of Queen Anne's, and Hooper, Ennalls and Sulivane of Dorchester.

On the same day, the House voted to combine the subjects of officers' fees and tobacco inspection in one bill, by a vote of 24 to 22. This was a Proprietary victory, forecasting the result of most of the 42 divisions during the Session. The Majority comprised the St. Mary's delegation, all the Kentish men except Wilson, Mackall of Calvert and Hall of Baltimore, the two Somerset men (King and Dashiell) present, Tilghman and Hopper of Queen Anne's, Addison of Prince George's, Hooper and Ennalls of Dorchester, and the two Annapolitans.

On the same day, the decision was made to abandon any idea of a law for burning tobacco, and rather to follow the plan of the Virginia law, by a vote of 31 to 14. The minority was composed of the County party: Wilson of Kent, all the Anne Arundel men except Hall, Smith and Brome of Calvert, Nicholas Goldsborough, Buchanan of Baltimore, Wootton of Prince Georges', Lecompte and Sulivane of Dorchester, and Purnell, Henry and Scarborough of Worcester (a delegation which was curiously wavering and unsettled throughout the Session).

On that day, Richard Snowden was censured for breach of privilege of the House, for calling a member a liar, while Snowden was listening to him speak,

during a debate in the House. On June 2, complaint was made concerning the oppressive conduct of the under sheriffs in Charles County. They were summoned before the House, censured on June 9 and obliged to pay costs.

On June 3, the House voted not to take notice in the Fee Bill of the Examiner General's fees. The vote was 20 to 26 and was an anti-Proprietary triumph. The delegates from St. Mary's and Annapolis, all from Kent except Wilson, the two Somerset men present, Harrison of Charles, George and Bayard of Cecil, Thomas of Talbot, Addison of Prince George's, Henry of Worcester, and all the Dorchester men, except Lecompte, voted for inclusion of the fees.

On June 4, a report was made concerning the unfinished Governor's house, and the House voted, 25 to 8, that Gov. Bladen had not complied with the law as to that house. Over a dozen delegates had gone home. The St. Mary's delegation divided (Key and Barnes defending the Governor, who was also upheld by the Greshams, Hammond of Anne Arundel, the two Somerset delegates and Scarborough of Worcester).

On June 5, in a very small house, a bare quorum of 28 being present, the members voted, 10 to 18, that "the Public" should pay the expenses of sending for certain delegates. The Anne Arundel men (except Worthington), Smith of Calvert, Sheredine and Buchanan of Baltimore, Hopper of Queen Anne's, Addison of Prince George's, Dulany of Annapolis, and Scarborough of Worcester thought the men sent for ought to pay the expenses.

On that day, a report was made upon the imprisonment for debt of Rev. Thomas Chase, Rector of St. Paul's Parish, on account of his being unable to pay a judgment bond to his predecessor's widow. No especial relief was given him, but a general statute was passed as to such bonds.

When the next division occurred on June 10, 44 members, out of 54, were present and the House refused relief to Chase, by a vote of 17 to 27. The vote for his relief was largely anti-Proprietarian: Wilson of Kent, Hall and Carroll of Anne Arundel, Smith and Mackall of Calvert, Smallwood and Harrison of Charles, Hyland and Pearce of Cecil, all the Talbot members except Thomas, Sheredine and Paca of Baltimore, Hammond of Queen Anne's, Hooper of Dorchester, and Stoddert of Prince Georges.

No further division took place until June 16, when it was determined that, to prevent fraud, four shillings (and not two) should be exacted at each delivering out a hogshead of tobacco. The vote was 31 to 16 and the minority was comprised of anti-Proprietarians: the Anne Arundel delegation, Smith and Mackall (the only Calvert men present), the Goldsboroughs, Buchanan and Paca of Baltimore, Hammond of Queen Anne's, Wootton of Prince George's,

Gordon of Annapolis (!), Purnell of Worcester, and Hooper and Lecompte of Dorchester.

On the 17th, by a vote of 17 to 30, it was decided not to alter the appointment of tobacco inspectors by the vestries. The affirmative was of the Court party, the delegations from St. Mary's and Somerset (now full by the coming of new members), all the Kentish members but Wilson, Bayard of Cecil, Thomas of Talbot, the Annapolitans, Henry of Worcester, and Ennalls of Dorchester.

The next call of yeas and nays on June 18 resulted in a decision that the proposed officers' fees do not take effect at once. Only 5 wished them to do so (Carroll and Worthington of Anne Arundel, Nicholas Goldsborough, Wootton, and Lecompte) while 41 cast negative votes.

On the 19th, a cryptic entry in the journal shows that 24 voted yea and 23 nay on the question as to whether the bills of credit taken out "shall be paid by the Respective Counties when any Deficiency arises; or the Income of the Respective Inspecting Houses of any such County or not?" Here the St. Mary's delegation divided, Bond voting in the affirmative against his colleagues, who were joined by the men from Kent, Somerset, Worcester, and Annapolis, by George and Hyland of Cecil, Thomas of Talbot, Addison of Prince George's, and Hooper and Ennalls of Dorchester. On that day, the House voted to pass the tobacco bill for engrossing by a vote of 25 to 22. It was close, but was sufficient. The minority was a strange collection: The Anne Arundel men except Hall, Smith of Calvert, Lloyd of Talbot, Buchanan of Baltimore, Hammond and Hopper of Queen Anne's, Wootton of Prince George's, and the Dorchester delegation (except Hooper) are found in the minority together with the Delegations from Somerset, Annapolis, and Worcester.

No further divisions occurred until June 25, on which day the Lower House voted to hold conference with the Upper one upon the tobacco bill, the vote being 28 to 16. The opponents were the Anne Arundel men, Mackall and Smith of Calvert, the Goldsboroughs, Buchanan and Paca of Baltimore, Hopper of Queen Anne's, Wootton of Prince George's, Lecompte of Dorchester, and all the Worcester men except Scarborough.

On the next day, the House voted to postpone to the next Session a bill empowering the Governor and Council to "redress certain evils," by a vote of 20 to 18. There were some curious combinations. The majority consisted of the delegates present from St. Mary's, Anne Arundel, Kent (except Harris), and Annapolis, as well as Smallwood of Charles, Nicholas Goldsborough,

George of Cecil, Buchanan of Baltimore, Hooper and Sulivane of Dorchester, Tilghman of Queen Anne's, and Wootton and Addison of Prince George's.

On June 27, there were four divisions. First, the House fixed the duty on tobacco per hogshead exported, to provide a fund for the purchase of arms, at three pence, not four pence, by a vote of 23 to 14. (The attendance for the remainder of the Session never passed 40.) Those who voted for the higher amount were the Anne Arundel delegates, Wilson of Kent, Smith of Calvert, Harrison of Charles, Nicholas Goldsborough, Buchanan and Paca of Baltimore, Tilghman and Hopper of Queen Anne's, Wootton and Stoddert of Prince George's. When the question arose as to whether the proceeds of the duty should be paid the treasurers of the Province or the Speaker, Smallwood of Charles, Hyland of Cecil, Sheredine and Hall of Baltimore, Lecompte of Dorchester, and Addison of Prince George's joined the opposition. The vote was a tie, 20 to 20, and the Speaker decided it by voting for himself. Another tie—19 to 19—arose on the question of passing the bill and was again broken by the Speaker, who voted for the bill. Nicholas Goldsborough, Hopper, and Wootton changed their votes.

Finally, by 20 to 15, the House voted to lay a duty to pay the Governor's salary; the negative votes came from Anne Arundel, Calvert, Charles, Prince George's, from Nicholas Goldsborough, Hyland, Tilghman, and the Baltimoreans (except Hall).

The yeas and nays were seven times called on June 30. By 26 to 12, the House voted to agree to a change in the appointment of tobacco inspectors. Wilson, the Anne Arundel delegation, Smith, Nicholas Goldsborough, Buchanan, Hopper, Wootton, Stoddert, and Scarborough held out against it. The next division, by 22 to 15, decided that the vestries should nominate, not 3 but 4, inspectors, the anti-Proprietarians voting for the less number. Thirdly, the House voted, 24 to 13, to have the warehouses built at the expense of the Provinces and not of the various counties, the anti-Proprietary party casting the minority votes. Fourthly, the conferees were instructed to propose an alteration in the fees mentioned in the bill. The affirmative votes were 25, the negatives 13, all men who opposed the Proprietary interest. A deduction of one fifth from the Commissary General's fees was voted, 21 to 18, the majority again being a Proprietary one.

By the close vote of 20 to 19, the House voted that the inferior officers might rate their tobacco at one fourth deduction. The Proprietary party won here again; as they did, 23 to 16, on the question as to whether the Examiner General's fees be rated in the same manner.

On July 1, the House refused, 16 to 18, to give further remuneration for printing to Jonas Green. There appears to have been no political significance in the vote. On July 2, the House voted to have the tax levies discharged at 12 shillings and six pence (and not 10 shillings) for every 100 pounds of tobacco. The negative votes were the anti-Proprietary die-hards, the Anne Arundel men (except Hall), Smith, Nicholas Goldsborough, Ennalls, Hyland, Wootton, and Hammond of Queen Anne's. On the 3rd, the conferees were instructed to continue conference, by a vote of 20 to 15, the Proprietary party winning again. On July 4, by a vote of 20 to 14, some of the anti-Proprietarians being absent, the House fixed the fee for copying certain records at 9 pounds of tobacco for 105 words.

Two divisions were taken on July 6. By a vote of 22 to 11, it was decided that one fifth and not one fourth be deducted from attorney's fees and, by a vote of 21 to 11, the Proprietary party gained a second victory in an agreement that the Upper House contention prevail as to certain fees. The tobacco bill passed for engrossing, on July 7, by a vote of 26 to 11. The minority consisted of Wilson, Carroll, Worthington, Smith, Smallwood, Ennalls, Wootton, Stoddert, Hopper, Henry of Worcester, and Scarborough.

Another Proprietary victory came on the 8th; when, by a vote of 22 to 16, the House reversed itself and voted that the proceeds of the arms duty be paid the Treasurers. By a vote of 21 to 17, the Proprietary party secured an omission from that bill of any reference to the law of 1704. Eighteen men, mostly of the Proprietary party, on that day voted to accept the Upper House's amendment to the bill concerning Baltimore Town, while 15 voted against it. The St. Mary's delegation divided here, an unusual thing.

On July 9, that delegation divided again, when, in discussing the bill for the division of Prince George's County, the decision was made, by 20 votes to 16, to have the bill go into effect in 1748, not 1749. Even the Greshams divided in this vote, which seems to have had no political significance.

Three divisions were taken on July 10. It was voted, 20 to 17, to leave out of the Assize Bill the words "and not elsewhere"; by 20 to 17, to have the bill continue to 1749 as proposed by the Upper House; and to pass that bill, by 20 to 16. The majority in each case consisted of the Proprietary party from St. Mary's, Kent, Cecil (except Hyland), Somerset, Dorchester (even including Ennalls), Worcester, and Annapolis, with Thomas of Talbot.

On the eleventh, the last day of the Session, three divisions occurred. The bill to raise a duty of three half pence per hogshead of tobacco passed by a vote of 26 to 12, only the Anne Arundel, Calvert, Charles, and Prince George's opposition, together with Hyland and Paca, casting negative votes. A message

sent to the Upper House with the Journal of Accounts was approved by 22 votes to 15, the majority being composed of the Proprietary party. The Speaker decided the final division, in which the vote was 19 to 19. He cast his vote for allowing fees to the Secretary and Chancellor, in opposition to all the other Prince George's delegates. (Bond of St. Mary's voted in the negative.)

Gov. Ogle called the General Assembly together on December 22, 1747, to make further appropriation toward the war. The Lower House refused to consider the matter and the final adjournment occurred on the next day. There were no roll calls of yeas and nays.

In the Appendix are printed several contemporary documents that have not previously appeared concerning King George's War, etc. The petition from the residents of Elkridge shows how little men were able to determine that Baltimore would be the seat of the back country trade. Two papers concern the German immigration into Western Maryland. One of these is of rather unusual interest, as it is a quasi-passport to Stephen Remsperger or Ramsburg and three others from Frederick. It is not known whether it was ever used. Stephen Ramsburgh, an ancestor of the editor, has already been named in the Archives. Ogle's letter to Baltimore throws interesting light upon Provincial Politics and Baltimore's petition to Parliament as to the Provincial Bills of Credit is a notable document in the history of Maryland paper money. The index has been prepared by the editor.

Respectfully submitted,

SAMUEL K. DENNIS,

BERNARD C. STEINER,

JOHN M. VINCENT,

Committee on Publication.

PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY OF MARYLAND

*At a Session held at Annapolis August 5-September 28, 1745.
Being the First Session of the Assembly Elected in 1745.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

THOMAS BLADEN,
Governor.

PROCEEDINGS THE UPPER HOUSE OF ASSEMBLY

At A Session of Assembly Begun and held at the City of Annapolis on Monday the fifth day of August in the thirty first Year of his Lordships Dominion Annoq Domini 1745

U. H. J.
Liber No. 34
p. 51
1745

Present

August 5

His Excellency Thomas Bladen Esq^r Governor

The hon ^{ble}	{	Benjamin Tasker Esq ^r	{	Daniel Dulany Esq ^r
		Col ^o Plater		Col ^o Lloyd
		Edmund Jenings Esq ^r		Benj ^a Young Esq ^r
		Col ^o Hollyday		Col ^o Tasker
		Col ^o Hammond		Richard Lee Esq ^r
		Philip Thomas Esq ^r		

Mess^{rs} King and Colvill from the Lower House acquaint his Excellency that there is a sufficient Number of Members met to make a House and wait his Excellencys Commands

Col^o Plater and Col^o Hollyday are sent to the Lower House to administer the Oaths to the Government appointed to be taken by Act of Assembly of this Province to the several Members of that House there present and Ordered that the Clerk of this House attend them who administred the said Oaths to the several Members then present and they all subscribed the Oath of Adjuration & Test

U. H. J. Edmund Jenings Esq^r and Col^o Hammond are sent to acquaint
Liber No. 34 the Lower House his Excellency requires their Attendance in the
Upper House immediately

The Members of the Lower House attend and his Excellency re-
quires them to return to their House and make Choice of a Speaker

Mess^{rs} King and Colville from the Lower House acquaint his Ex-
cellency that their House hath made Choice of a Speaker

Col^o Hammond and Col^o Lloyd are sent to Acquaint the Lower
House that his Excellency requires their Attendance in the Upper
House to present their Speaker for his Approbation

The Lower House attend and present Col^o Edward Sprigg to his
Excellency as their Speaker who is pleased to approve of their Choice
and then made the the following Speech

p. 52 Gentlemen of the Upper and Lower Houses of Assembly

Our Meeting at this Time is Occasioned by a Letter I have re-
ceived from the Governor of New England which shall be laid before
You. You will find by it that We are called upon to give Our Assis-
tance towards securing to the Obedience of Our Sovereign the late
Acquisition of Cape Breton, A matter of such Importance not only
to the Honour of his Majestys Arms but to the General Interest of
Great Britain and the Colonies upon this Continent, that I am per-
suaded We shall readily Concur in such Measures as will give
Evidence of Our Duty to his Majesty and Zeal for the Common
Cause

This Service requiring the first Place in your Consultations and
the speediest Dispatch I shall Postpone the mention of any other
matters to you till We have discharged Our Duties upon this Point

Mess^{rs} Goldsborough and Henry from the Lower House acquaint
his Excellency their House hath made Choice of M^r William Tilgh-
man as their Clerk and hopes for his Excellencys Approbation with
which Choice he declares himself Well pleased

Mess^{rs} Goldsborough and Henry from the Lower House attend
with M^r William Tilghman their Clerk in Order to see him qualified
Who takes the several Oaths to the Government required by Law
and signs the Abjuration and Test and also takes the Usual Oath of
Office

Adjourned till to Morrow Morning Nine of the Clock

August 6

Tuesday Morning 6 August 1745

This House met again according to Adjournment

Present as Yesterday

Mess^{rs} Hammond and Henry from the Lower House attend with
M^r Grundy Pemberton and Thomas Wilkinson Members Elected

for Queen Anns County and M^r Parker Selby and Abraham Outten Members elected for Worcester County in Order to see them qualified, who take the several Oaths to the Government required by Law repeat and sign the Abjuration & Test and then withdrew

U. H. J.
Liber No. 34

Mess^{rs} Wootton and Mackall from the Lower House attend with M^r John Brome a Member elected for Calvert County in Order to see him Qualified who takes the several Oaths to the Government required by Law repeats and subscribes the Abjuration and Test and then withdrew

Benjamin Tasker Esq^r attended by the rest of the Members of this House presents to his Excellency the Address of this House which follows in these Words viz—

To his Excellency Thomas Bladen Esquire Governor and Commander in Chief in & over the Province of Maryland

The humble Address of the Upper House of Assembly
May it please Your Excellency

We Beg Leave to return You Our thanks for the Speech you was pleased to make to Us, and to Assure You of Our Readiness to give all the Assistance in Our Power towards securing to the Obedience of Our Sovereign the important Acquisition of Cape Breton and on every Occasion to give the strongest Evidence of Our Duty to his Majesty and Zeal for the Common Cause

p. 53

When Your Excellency shall be pleased to mention any other matter to Us, We shall consider the same with that Regard that is due to Your Recommendation

Benja^a Tasker, President

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Message from the Lower House by Mess^{rs} Sheredine and Barnes

By the Lower House of Assembly 6 August 1745
May it please Your Honours

This House hath Appointed Col^o Colvil M^r Sheredine M^r Pember-ton Col^o Henry and M^r Barnes a Committee from this House to inspect the Accounts and Proceedings of the Commissioners for Emitting Bills of Credit established by Act of Assembly and desire Your Honours to appoint one or more of the Members of Your House to join the said Committee

Signed 7p Order W. Tilghman Ct Lo Ho.

4 *Assembly Proceedings, August 5–September 28, 1745.*

U. H. J.
Liber No. 34

The following Message is sent by Richard Lee Esq^r

By the Upper House of Assembly 6 August 1745

Gentlemen

This House hath named Col^o Edward Lloyd to join the Members appointed by your House in a Committee to inspect the Accounts and Proceedings of the Commissioners of the Paper Currency

Signed p Order J Ross Ct Up Ho.

Adjourned till to Morrow Morning Nine of the Clock

August 7

Wednesday Morning 7 August 1745

This House met again according to Adjournment

Present as Yesterday

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Mess^{rs} Brome and Mackall from the Lower House attend with M^r Joseph Hall a Member Elected for Calvert County in Order to see him qualified who takes the several Oaths to the Government required by Law repeats and subscribes the Abjuration and Test and then withdrew

His Excellency is pleased to communicate his Answer to the Address of this House which Answer follows in these Words viz.

p. 54 Gentlemen of the Upper House of Assembly

I thank You for Your Address which cannot but be very agreeable to me as it confirms me in the good Opinion I have of your Duty and Affection to his Majesty and Zeal for his Service

T Bladen

Adjourned till to Morrow Morning Nine of the Clock

August 8

Thursday Morning 8 August 1745

This House met again according to Adjournment

Present as Yesterday except Col^o Hammond

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning except Philip Thomas Esq^r

Adjourned till to Morrow Morning Nine of the Clock

Friday Morning 9 August 1745

This House met again according to Adjournment

U. H. J.
Liber No. 34
August 9

Present as Yesterday with the addition of Samuel Chamberlain Esq^r

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning Nine of the Clock

Saturday Morning 10 August 1745

August 10

This House met again according to Adjournment

Present as Yesterday

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till Monday ten of the Clock

Monday Morning 12 August 1745

August 12

This House met again according to Adjournment

Present

the honble	{	Benjamin Tasker Esq ^r	{	Philip Thomas Esq ^r
		Col ^o George Plater		Daniel Dulany Esq ^r
		Edmund Jenings Esq ^r		Benj. Young Esq ^r
		Col ^o James Hollyday		Col ^o Benj. Tasker
		Sam ^l Chamberlain Esq ^r		Richard Lee Esq ^r

Mess^{rs} Wootton and Smallwood from the Lower House attend with M^r Osborn Sprigg a Member elected for Prince Georges County in Order to see him Qualified who takes the several Oaths to the Government required by Law repeats and subscribes the Abjuration and Test and then withdrew

Mess^{rs} Gordon and Carroll from the Lower House attend with M^r Stephen Bordley in Order to see him Qualified the said Bordleys Name being incerted in the Return for the City of Annapolis brought up to this House in the Room of Doctor George Stuart who by the Mayor Recorder and Aldermen of the City of Annapolis was re-

6 *Assembly Proceedings, August 5–September 28, 1745.*

U. H. J. turned to serve as a Member for the said City & the said Bordley
Liber No. 34 takes the several Oaths to the Government required by Law and
subscribes the Abjuration and Test and then withdrew

Adjourned till three of the Clock in the Afternoon

Eodem Die Post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning nine of the Clock

August 13

Tuesday Morning 13 August 1745

This House met again according to Adjournment

Present as Yesterday

Mess^{rs} Ennalls and Dennis from the Lower House attend with
M^r Philemon Lecompt a Member elected for Dorchester County in
Order to see him Qualified who takes the several Oaths to the Gov-
ernment required by Law repeats and subscribes the Abjuration and
Test and then withdrew

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning nine of the Clock

August 14

Wednesday Morning 14 August 1745

This House met again according to Adjournment

Present as Yesterday with the Addition of Col^o Hammond

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Mess^{rs} Hall and Mackall from the Lower House attend with
M^r Walter Smith a Member elected for Calvert County in Order to
see him Qualified who takes the several Oaths to the Government
required by Law repeats and subscribes the Abjuration and Test and
then withdrew

Adjourned till to Morrow Morning Nine of the Clock

Thursday Morning 15 August 1745

This House met again according to Adjournment

U. H. J.
Liber No. 34
August 15

Present as Yesterday with the Addition of Col^o Lloyd
Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning
Adjourned till to Morrow Morning Nine of the Clock

Friday Morning 16 August 1745

August 16
p. 56

This House met again according to Adjournment

Present as Yesterday

Col^o Lloyd from the Committee appointed to inspect the Accounts & Proceedings of the Commissioners of the Paper Currency Office brings in the following Reports

At A Committee of Both Houses of Assembly appointed to Inspect the Accounts and Proceedings of the Commrs for emitting Bills of Credit

Present

The honble Edward Lloyd Esq^r of the Upper House

Col^o Thomas Colvill Major Thom^s Sheredine M^r Grundy Pemberton M^r Abraham Barnes of the Lower House

Who make Choice of the honble Edward Lloyd Esq^r Chairman and Richard Dorsey Clerk and agree to make the following Report

Your Committee find that through the Remissness of the Sheriffs there Remains due to the Publick large Ballances from several Counties amounting to the Sum of £1304..7..4 as p Account annexed & thought it their Duty as early in the Session as could be to give both Houses an Account thereof

Also We find that no Money has been paid into the Office for £112..16..0 mentioned in the last Report to be paid to William Ghiselin by Edward Trippe Sheriff of Dorchester County and for which the said Ghiselins Receipt was then produced, nor for £94..4..0 for which Benj. Bradford Sheriff of Cecil County also then produced the said Ghiselins Receipt and to be received on Account of Ordinary Licenses and Publick Levy all which is submitted to the Consideration of both Houses this 16 of August 1745 by

Edward Lloyd	T. Sheredine	Abr ^a Barnes
Tho ^s Colvill	G. Pemberton	

Meind Money paid by M^r Cheston Sheriff of Kent County since the Closing of the Books for Ordinary Licenses £35..10..0

U. H. J. An Account of Ordinary Licenses Granted in the several & re-		
Liber No. 34 spective Counties in the Province of Maryland according to the Lists		
thereof returned to the Commrs of the Paper Currency Office by		
the respective Clerks of each County from the Year 1740 to the Year		
1744 inclusive with the Ball ^a that appears to be due from the several		
Counties		
Baltimore County from the Year 1740 to 1744 Inclusive		
103 Licenses at £2..10..0		£275..10..0
Commission on £257..10..0 at 5 p Cent		10..17..6
Ball ^a Due		246..12..6
		£257..10..0
p. 57 Cecil County to the same time 81 at £2..10..0		202..10..0
By John Thompson Sheriff for the Year 1742		26.. 0..2
Commissions on £202..10 at 5 p Cent		10.. 2..6
Ballance		166.. 7..4
		202..10..0
Calvert County to same time 22 at £2..10..0		55.. 0..0
By Gabriel Parker Sheriff for the Years 1741, 1742 &		
1743		16..12..6
By D ^o as p Account dated 12 Sept ^r 1744		9..10..0
Commission on £55..0..0 at 5 p Cent		2..15..0
Ball ^a		26.. 2..6
		55.. 0..0
Saint Marys County to same time 20 at £2..10		50.. 0..0
By William Cartwright Sheriff for the Year 1741 & 1742		23..15..0
Commission on £50..0..0 at 5 p Cent		2..10..0
Ball ^a		23..15..0
		50.. 0..0
Charles County to same time 68 at 2..10..0		170.. 0..0
By Richard Tarvin for the Year 1741		22..10..0
Commission on £170..0..0 at 5 p Cent		8..10..0
Ball ^a		139.. 0..0
		170.. 0..0

Talbot County to same time 25 at 2..10..0	£62..10..0	U. H. J. Liber No. 34
By Jeremiah Nichols Sheriff	21..17.6	
By Doctor Porter in the Year 1743	19.. 0..0	
Commission on £62..10..0 at 5 p Cent	3.. 2..6	
Ball ^a	18..10..0	
	62..10..0	
Prince Georges County to same time 136 at 2..10..0	340.. 0..0	
By John Hepburn Sheriff for the Year 1741, 1742 & 1743	147.. 5..0	
Commission on £340..0..0 at 5 p Cent	17.. 0..0	
Ball ^a	175..15..0	
	340.. 0..0	
Anne Arundel County to same time 74 at 2..10..0	185.. 0..0	
58 at 5.. 0..0	295.. 0..0	
	475.. 0..0	
By John Darnall for the Year 1740	78.. 7.6	
By Samuel Smith Sheriff for 1742	59.. 7.6	
By John Darnall Sheriff for 1741	85..10..0	
Com ⁿ on £475..0..0 at 5 p Cent	23..15..0	
Ball ^a	228.. 0..0	
	475.. 0..0	
Queen Anns County to same time 52 at 2..10..0	130.. 0..0	p. 58
By Edward Tilghman Sheriff in the Year 1740	19.. 0..0	
By ditto	26.. 2..6	
Ball ^a	78.. 7.6	
Commission on £130..0..0 at 5 p Cent	6..10..0	
	130.. 0..0	
Dorchester County to same time 20 at 2..10..0	50.. 0..0	
By Thomas Muir Sheriff for the Year 1743	11..17.6	
Commission on £50..0..0 at 5 p Cent	2..10..0	
Ball ^a	35..12.6	
	50.. 0..0	

10 *Assembly Proceedings, August 5–September 28, 1745.*

U. H. J. Somerset County from the Year 1740 to 1743 Inclusive	}	77..10..0
Liber No. 34 31 Licenses at 2..10..0		
By John Handy Sheriff		26.. 2..6
By Ditto in 1743		33.. 5..0
By John Dennis		14.. 5..0
Commission on £77..10..0 at 5 p Cent		3..17..6
		77..10..0
Worcester County from the Year 1743 to 1744 Inclusive	}	50.. 0..0
20 Licenses at £2..10..0		
Commission on £50..0..0 at 5 p Cent		2..10..0
		Ball ^a 47..10..0
		50.. 0..0
Kent County from 1740 to 1743 Inclusive 50 at 2..10..0		125.. 0..0
Commission on £125..0..0 at 5 p Cent		6.. 5..0
		Ball ^a 118..15..0
		125.. 0..0

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to morrow Morning Nine of the Clock

August 17

Saturday Morning 17 August 1745

This House met again according to Adjournment

Present as Yesterday

Adjourned till to Morrow Morning Nine of the Clock

August 19

Monday Morning 19 August 1745

This House met again according to Adjournment

Present

the hoñble	{	Benjamin Tasker Esq ^r	{	Philip Thomas Esq ^r
		George Plater Esq ^r		Daniel Dulany Esq ^r
		Edmund Jenings Esq ^r		Col ^o Lloyd
		Col ^o Hollyday		Benjamin Young Esq ^r
		Col ^o Hammond		Col ^o Benj ^a Tasker
		Sam ^l Chamberlain Esq ^r		

p. 59 Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

U. H. J.
Liber No. 34

Present as in the Morning

Adjourned till to Morrow Morning Nine of the Clock

Tuesday Morning 20 August 1745

August 20

This House met again according to Adjournment

Present as Yesterday

A Bill from the Lower House by M^r Hammond and twelve others Ent^d an Act for raising the Sum of 3000[£] Current Money and two Pence Sterl p hhd for his Majestys Service towards supporting the Garrison of Louisburgh on Cape Breton and for other Purposes therein mentioned thus endorsed

By the Lower House of Assembly 17 August 1745

Read the first time and Ordered to lie on the Table

Signed p Order W^m Tilghman Ct Lo Ho.

By the Lower House of Assembly 19 August 1745

Read the second time and will pass

Signed p Order W^m Tilghman Ct Lo Ho.

Read the first time in this House and Ordered to lie on the Table.

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Bill from the Lower House by Mess^{rs} Bordley and Mills ent^d an Act continuing an Act entituled an Act for the speedy and effectual Publication of the Laws of this Province and for the encouragement of Jonas Green of the City of Annapolis Printer thus endorsed

By the Lower House of Assembly 19 August 1745

Read the first time and Ordered to lie on the Table

Signed p Order W^m Tilghman Ct Lo Ho.

By the Lower House of Assembly 20 August 1745

Read the second time and will pass.

Signed p Order W^m Tilghman Ct Lo Ho.

Read the second time by Especial Order the Bill Entituled an Act for raising the sum of 3000th current Money and two Pence Sterling p hhd for his Majestys Service towards supporting the Garrison at Louisburgh in Cape Breton and for other Purposes therein mentioned and with the Amendments proposed in a Message herewith

U. H. J. sent will Pass and sent to the Lower House by Col^o Lloyd and
Liber No. 34 Benjamin Young Esq^r

By the Upper House of Assembly 20 August 1745

p. 60 Gentlemen

The Bill entituled an Act for raising the Sum of £3000 Current Money and two Pence Sterling p hhd for his Majestys Service towards supporting the Garrison of Louisburgh on Cape Breton and for other Purposes therein mentioned will pass this House with the following Alterations & Amendments

1st That the Words, and Two Pence Sterling p hhd and for other purposes therein mentioned be left out in the Title

2^{dly} That as the Bill directs that a Letter should be Wrote to and Answer received from Governor Shirley before any Provisions are to be purchased, We Conceive so much time will be spent herein as to Render the Provisions intended for Louisburgh Garrison ineffectual either by their being otherwise Provided for, or the Lateness of the Season, so as the Frost may hinder Our Provision being transported thither; Besides the Share the Bill gives the Governor in this Transaction is of so Triffling a Nature and couched in such Expressions, that We must desire this part of the Bill may be so Altered that the Provisions may be forthwith purchased, and that the Commrs Appointed for that Purpose may receive their directions from time to time from the Governor who we all must have the greatest Reason to be satisfied will with the utmost Chearfulness take Care of the due Execution by such Measures as may be most for the service of the Garrison & Reputation of this Province And We must imagine it to be more proper to put this Matter under his Excellencys direction, as his Majesty will look on him and other Governors, particularly Obligated by the Duty of their Station to be more than ordinarily Solicitous in their Endeavours for his Service in this Affair, But it is our Opinion And We hope it will likewise be yours upon further Consideration that it will be more for the Benefit of the Service intended to lay out the Money designed in good Bills of Exchange to be remitted to Governor Shirley for the Use of the Garrison at Louisburgh, since it is evident it will save both time and Expence, and he (as the Bill supposes) is best acquainted with what will be most necessary for that Purpose

That instead of the several Returns and Accounts directed by the Bill to be laid before the House of Delegates they should be directed to be laid before the next General Assembly

3^{dly} Altho' the Bill seems to intend some Powder and Ball for Louisburgh Garrison Yet no Clause appears in the Bill to direct how the Powder & Ball are to be preserved and therefore a Clause is necessary to be incerted for that Purpose unless You come into Our Proposal for sending the Bills of Exchange which will render such a Clause and several other Clauses in the Bill unnessary

4^{thly} And when all the foregoing Amendments are made still We must to prevent further Loss of time acquaint you that We are determined not Pass the Bill unless the remaining Part, after the Words, herein directed, in the 4th Line of the 24 Page be left out for the following Reasons

U. H. J.
Liber No. 34

1st That such Part of the Bill as is designed to establish a Fund for raising a Sum of Money for the Payment of an Agent to transact any Business for this Province in London is foreign to his Majestys Service in General and more Especially to that which gave Rise to, and ought to be the only Object of this Bill

p. 61

2^{dly} This Blending or taking two different Matters in the same Bill in Order to force the Consent of any Branch of the Legislature to the Other by the necessity or Disenableness of the other has always been Condemned as an Unparliamentary Unjust and Violent Proceeding, since by that means the Legislature are not at Liberty but compelled to Act which is Contrary to the very Institution & Freedom of Parliament

3^{dly} That although the Method of Tacking hath something been used, Yet it may be laid down as an undoubted Truth, that those Persons who have Offered to Clog any Bill with a Tack were always thought Enemies or ill Wishers to such Bill, and not those who refused the Bill on Account of such an Unparliamentary step; And as We take for Granted you would Avoid if possible every suspicion of [Dislike] to the Duty we are now endeavoring to shew to his Majesty We doubt not this Observation alone will prevail with You to pass the Bill with that Amendment

4^{thly} That as You seem by Your Addresses to the Governor to Value what You shall do in this Affair for his Majestys Service as a free and Voluntary Contribution, We cannot think it will appear in so meritorious a Light, If You should not concur with Our Amendments, since it may be concluded Your House would not have consented to some Provision for Louisburgh Garrison without Obtaining a Fund for the Payment of an Agent in England; And that your Zeal for his Majestys Service in this Particular had no other View but from and was Entirely Bounded by the Desire of having an Agent

Signed p Order J Ross Cl Up Ho.

Adjourned till to Morrow Morning nine of the Clock

Wednesday Morning 21 August 1745

August 21

This House met again according to Adjournment

Present as Yesterday

Adjourned till three of the Clock in the Afternoon

U. H. J.
Liber No. 34
[Query,
Philip
Thomas or
Richard
Lee?]

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning with the Addition of Philip Lee Esq^r

A Bill from the Lower House by Mess^{rs} Colvill and Hall Entitled an Act for Limitation of Officers Fees thus endorsed

By the Lower House of Assembly 13 August 1745

Read the first Time and Ordered to lie on the Table

Signed p Order W^m Tilghman Ct. Lo. Ho

By the Lower House of Assembly 21 August 1745

p. 62 Read the second time and will pass

Signed p Order W^m Tilghman Ct Lo Ho.

A Bill from the Lower House by Mess^{rs} Barnes and Mills Entitled A supplementary Act to the Act entitled an Act appointing Commissioners for dividing Saint Marys County into four Parishes and to erect that part of All Faith and King and Queen Parish lying in Charles County into a distinct Parish thus endorsed

By the Lower House of Assembly 19 August 1745

Read the first time and Ordered to lie on the Table

Signed p Order W^m Tilghman Ct Lo Ho.

By the Lower House of Assembly 21 August 1745

Read the second time and will pass

Signed p Order W^m Tilghman Ct Lo Ho.

A Bill from the Lower House by Mess^{rs} Colvill and Hyland Entitled an Additional Supplementary Act to the Act entitled an Act for laying out & erecting a Town at a Place called Long Point on the West side of North East River in Cecil County thus endorsed

By the Lower House of Assembly 20 August 1745

Read the first time and Ordered to lie on the Table.

Signed p Order W^m Tilghman Ct Lo Ho.

By the Lower House of Assembly 21 August 1745

Read the second time and will pass

Signed p Order W^m Tilghman Ct Lo Ho.

Adjourned till to Morrow Morning Nine of the Clock

August 22

Thursday Morning 22 August 1745

This House met again according to Adjournment

Present as Yesterday except Samuel Chamberlain Esq^r

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

U. H. J.
Liber No. 34

This House met again according to Adjournment

Present as in the Morning

The Bill entituled an Act for raising the Sum of £3000 Current Money and two Pence Sterling ꝑ hhd for his Majestys Service towards supporting the Garrison of Louisburgh on Cape Breton and for other Purposes therein mentioned is brought from the Lower House by M^r Hammond and twelve others with the following Message

By the Lower House of Assembly 22 August 1745

May it please Your Honours

p. 63

You have herewith the Bill Entituled an Act for raising the sum of £3000 Current Money and two Pence Sterling ꝑ hhd for his Majestys Service towards supporting the Garrison of Louisburgh on Cape Breton and other Purposes therein mentioned returned to You with such Amendments proposed in Your Message of Yesterday as could be made without Altering the Material or Substantial Parts of that Bill and as to any other Alterations or Amendments, We have not nor can agree thereto, as well because We conceive it to be the undoubted Right of the House of Delegates alone to raise upon the People of this Province any Sum of Money or other Tax, and for such Time and in such manner and to be applied to such Uses and Purposes as that House shall think proper, and that Your House have no right to propose any Alteration or Amendments, as to sum time uses or Substance or otherwise to interpose concerning the substantial or material parts of such Bills then generally to pass or refuse the same as because in the particular Instance of this Bill We are well Satisfied these Amendments proposed by you, other than what We have agreed to and made accordingly are some of them entirely unnecessary as not in any wise productive of those ends for which you would seem to propose them and others of them tend to lessen that Advantage which may undoubtedly be made for the Garrison of Louisburgh in the manner that Bill now stands

We little expected You would have given it under Your Hands that the raising a Sum of Money for the Support of an Agent at home, to transact with his Majesty his Ministers Business for his Subjects of this Province was foreign to his Majestys Service in General since We always presumed it was not only for his Majestys Service, but also from his known Goodness and Paternal Care over all his People, agreeable to his Royal Will and Pleasure that all his Subjects tho' ever so remote, should be enabled in the best manner their distance would admit as well to keep up a Congratulatory Correspondence of Praise & Thanks for the Benefits they receive from him as on every Occasion by Oppressions and hardships imposed on them in humble and decent manner to lay their Compl^{ts} before him,

U. H. J. And altho' We readily admit that a Fund for the Support of such
 Liber No. 34 Agent was not that part of his Majestys Service which gave rise to
 that Bill Yet are we Confident that from his Majestys tender Regard
 for his People if while We are endeavouring to support his Subjects
 at Louisburgh, We can likewise take any Step to preserve his Loyal
 and Dutiful Subjects of this Province or to restore them to their
 former Ease and Happiness it must be highly agreeable to his Royal
 Pleasure; nor can We entertain the Worse Opinion of this Bill as it
 now stands from the Expressions in Your Message of blending or
 tacking two different matters in the same Bill, and Unparliamentary
 and Unjust and Violent Proceedings for We beg Leave to deny
 that this is tacking, or if it is, Yet it is not a Tacking in an Unpar-
 liamentary manner, because if We may call our Proceedings in
 Assembly here Parliamentary as We presume We may infer, as the
 Legislative Power of this Province may direct themselves by them,
 We have Instances of several Bills having within these few Years
 been passed into Laws by the several parts of this Legislature each
 Bill containing several matters and to entirely distinct Purposes
 without any such Charge against them as You are now pleased to
 p. 64 make against this Bill and from Whence too We apprehend We may
 justly Conclude that such a proceeding is not an unjust & Violent
 Proceeding Nor can We by means agree to what You term an
 Undoubted Truth in General that such who have offered to Clog
 any Bill by a Tack, were always thought Enemies or ill Wishers to
 such Bill and those who refused the Bill on Account of such Unpar-
 liamentary Steps, And to Our particular Motive for such proceeding
 We apprehend Ourselves justified by the Practice here, and from
 the Nature of the matter it self as well as by the Necessity We are
 reduced to of some such Method, by your Honours having hereto-
 fore refused us the subject matter of that which you are pleased
 to call a Tack when sent you in a seperate Bill, Tho' the Circum-
 stances of his Majestys Subjects the People of this Province were
 such as loudly called for some such Assistance; And We assure Your
 Honours that when the Affair of Louisburgh was first recommended
 to Our Consideration, We had not this matter within Our View, nor
 had We any other Motive than our hearty and unfeigned Loyalty
 and Zeal for his Service for those proceedings which We then so
 Unanimously and Chearfully agreed upon as We doubt not will
 render the same more acceptable to his Majesty, And We will Ven-
 ture to Promise, that We will at all times be ready to the best of Our
 Abilities to go as far in any Step for his Majestys Service as Your
 Honours or any other Persons whatever shall, and in this Instance
 further than You seem willing to do, And We are not without the
 strongest Assurances that as the several Purposes of that Bill are by
 no means inconsistent or contradictory, but both tend to the Care and
 Preservation of his Majestys Service which undoubtedly is for his

Service and will as the more Extensive be therefore the more agreeable to his Royal Will and Pleasure, so we do now for the last time leave it to your Determination Whether You will pass the Bill as it now stands or for the sake of destroying the latter part of that Bill calculated for the Benefit of his Majestys Subjects of this Province prevent likewise that considerable Aid for his Garrison at Louisburgh which We have so chearfully resolved to give

U. H. J.
Liber No. 34

Signed p Order W^m Tilghman Ct Lo Ho.

Adjourned till to Morrow Morning Nine of the Clock

Friday Morning 23 August 1745

August 23

This House met again according to Adjournment

Present as Yesterday

A Bill from the Lower House by Mess^{rs} Selby and Oughton Ent^d A Supplementary Act to the Act entituled an Act to enable the Commrs therein named to lay out forty Acres of Land into 80 Lotts for a Town on Indian River in Worcester County as also for forty Acres of Land into Eighty Lotts at the head of Asseateague Creek at a Place commonly called the Trap for a Town thus endorsed

By the Lower House of Assembly 21 August 1745

Read the first time and Ordered to lie on the Table

Signed p Order W^m Tilghman Ct Lo Ho.

By the Lower House of Assembly 22 August 1745

Read the second time and will pass

Signed p Order W^m Tilghman Ct Lo Ho.

p. 65

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

The Bill entituled an Act for raising the sum of 3000£ Current Money and two Pence Sterling p hhd for his Majestys service towards supporting the Garrison of Louisburgh on Cape Breton and for the Purposes therein mentioned is read Again and will not pass and sent to the Lower House with the following Message by Daniel Dulany Esq^r and Col^o Tasker.

By the Upper House of Assembly 23 August 1745

Gentlemen

The Reasons You are pleased to give why you cannot agree with Our Amendments are first because you conceive it to be the undoubted Right of the House of Delegates alone to raise upon the People any sum of Money or other Tax &c^a This We conceive to be a most extraordinary Claim and such as no House of Commons

U. H. J. ever made; but when a small part of that House by the most Violent
 Liber No. 34 Means usurped the whole Authority as well Legislative, as Execu-
 tive, which is such a Precedent as We hope You will not think for
 your Purpose, had You been pleased to have contented Yourselves
 with Asserting that it was your undoubted Right to begin a Money
 Bill in your House, We could at this time for the sake of dispatch,
 forbore to have made any Observation on such an Assertion, But
 We hope You will not think We act beside Our Duty in letting you
 know what Objections We have to any Money Bills, so that you
 may if they are reasonable remove them and make the Bill proper
 for its passage here Secondly You say some of the Amendments
 are unnecessary, and others tend to lessen the Advantage which may
 be made for the Garrison of Louisburgh, As You do not Particu-
 larize which of them, and why they are unnecessary We cannot be
 Satisfied barely by such a General Allegation that they are so; and
 as to the other Part of a Proposal of Expediting Our intended sup-
 ply of Provision so as not to be prevented by the frost or remitting
 A Sum of Money immediately without Loss of time or Expende of
 Commission and Charges can tend to lessen any Advantage for the
 Garrison of Louisburgh We must Acknowledge Ourselves mistaken
 in Judgment

We did Assent in Our former Message on the Subject of this Bill
 and now avowedly repeat, that the Establishing a Fund for raising
 a Sum of Money for the Support of an Agent is foreign to his
 Majestys Service in general and were we inclinable to enter into the
 reasoning You have made use of on this Occasion We might prove
 beyond any reasonable Contradiction that the Agency designed by
 the Bill would be so far preserving or procuring Ease and tran-
 quility to his Subjects that it would be the greatest foundation of
 disturbances in this Province but it is sufficient for us to say that
 in Parliamentary Language on the subject of any Money Bill no
 Clause was ever lookt on as relative to his Majestys Service, or
 proper for such Bill which did not either immediately grant Money
 p. 66 to his Majesty or to his Use or was an Appendix to some other Bill
 which had before Granted Money to his Majesty, And when any
 Instance can be produced contrary to this Observation, We shall
 own our Assertion to be as improper as Yours of your House having
 alone the Right to raise Money

The same Arguments by which you urge this Agency to be for
 his Majestys Service, may prove every Suit at Law between private
 Persons for the Recovery of a Debt, to be also for his Majestys
 Service since it tends to the quietness & Satisfaction of his Subjects,
 perhaps in a more eminent manner than this Agency would do, And
 yet it must be Granted that a Man would not thought to know what
 he said, if he should think his Majestys Service concerned in almost
 thing that happened in Society

At the same time that We stiled this Blending or tacking two different matters in the same Bill an Unparliamentary Unjust and Violent Proceedings We gave you our Reasons for it and could have supported them by the concurrent Opinion of some of the greatest Men in Parliament, but you save us this trouble by a tacit Admission, for you only deny it is tacking of if it is. Yet it is not tacking in an Unparliamentary way, how You can prove it is not tacking We are still at a Loss to know for you have not nor can shew one Reason to support Your Negative, And We must do you the Justice to believe You did not mean We should understand you to be so much in Earnest in the Denial as to abide by it since You took care to couple it with a Reserve viz It is not a Tacking in an Unparliamentary manner; and You endeavour to Justify your proceedings to be Parliamentary by Precedents of Our own Legislature. In the first Place You do not name the Precedents, so We can give no Answer to them

^{2^{dly}} It is strange you should in the first part of your Message expect a strict Conformity to Parliamentary proceedings with Regard to Our Interposition in a Money Bill, and yet in this Part knowing the Usage of Parliament to be against You. You have recourse to Proceedings of our own Assembly, and slights those of Parliament, But Gentlemen neither Ourselves or our Province are too Old or knowing not to be taught by the wise Legislature of Great Britain, and notwithstanding there were many Precedents in Our Assemblies (tho at present We cannot recollect any to Your Purpose.) Yet if what We insist on is at seems by your Message confessed right & supported not only by Parliamentary Proceedings, but by the Reasons in Our last Message which you have not disproved We shall think Our Behaviour in this matter will satisfie Although you not agree in Express terms to so plain & almost self evident a Proposition, as that such who have offered to clog any Bill with a Tack were always thought Enemies ill Wishers to such Bill, yet not only Your own Reasons herein before taken notice of, but more especially those which follow the strongest Proof of that Observation with Regard to that Conduct on this Bill. You alledge the Necessity you were reduced to by the Refusal of this House heretofore to pass that Bill if this House had before refused to pass that Bill how could Your strong and frequent professions of Leige Subjects Loyalty Zeal and Duty to his Majestys Service, permit you to Clog this Bill with any matter which you must be sure would be an impediment to its Passage

And now Gentlemen permit Us in Our turn to say that We little expected You would have Given under Your hands such plain Hints as to let us into Your Scheme of making this Tack for You assure Us that when the Affair of Louisburgh was first recommended to your Consideration you had not this Matter within your View, if so, p. 67

U. H. J. A little Reflection on Your Proceedings may perhaps account how
Liber No. 34 this Agency afterwards came to Your View

The Governor acquainted Us in his Speech, that he should lay nothing before Us till We had discharged Our Duty to his Majesty on this Point of A supply for Louisburgh, on Wednesday the third day of your Sitting you Voted 2000£ Our Paper Money for Louisburgh Garrison and after making a private Committee of Ways and Means, tho every Body knew the Money must be taken (as it is Ordered by the Bill) out of the Loan Office, Yet thus stood the Bill till Tuesday afterwards, when the Governor was pleased to press You to a dispatch of it, but the very next day You resolved to add a Clause in the Bill for raising a Fund for the Payment of an Agent We shall for the sake of Decency forbear making any further Remark than that this Business seemed at first to be carried on not with the greatest forwardness or chearfulness, but when above a whole Week had been spent and no Bill framed and the Governor appeared so Zealous & urgent in his Majestys Service as that a further delay could not be coloured with any Pretence then We suppose this Clause of an Agent (no other Expedient offering for the Purpose was thought of in Order to Obstruct and even destroy the whole Bill

Upon the whole Gentlemen We conceive the Provision intended for Louisburgh Garrison will not in all probability in the manner the Bill provides be procured time enough to serve that Place

We conceive this Tack or Clog to be Unparliamentary and unjust and of a Violent Tendency and therefore We have Absolutely refused to pass the Bill

Signed p Order J Ross Cl Up Ho.

Adjourned till to Morrow Morning Nine of the Clock

August 24

Saturday Morning 24 August 1745

This House met again according to Adjournment

Present

the hoñble	{	Benjamin Tasker Esq ^r	{	Daniel Dulany Esq ^r
		Col ^o Hollyday		Richard Lee Esq ^r
		Col ^o Hammond		

Adjourned till Monday Morning nine of the Clock

August 26

Monday Morning 26 August 1745

This House met again according to Adjournment

Present

the hoñble	{	Benj. Tasker Esq ^r	{	Daniel Dulany Esq ^r
		Col ^o Plater		Col ^o Lloyd
		Edmund Jenings Esq ^r		Benj. Young Esq ^r
		Col ^o Hammond		Col ^o Tasker
		Philip Thomas Esq ^r		Richard Lee Esq ^r

Read the Petitions of Edward Briscoe Thomas Hutchins Richard U. H. J.
Santon John Speak John King and John Gates languishing Prison- Liber No. 34
ers for Debt in Charles County Goal; of Miles Coyl Peter Robinson
and Basil Brasheir in Prince Georges County Goal, of James Casteel
in Calvert County, of John Bradock John Frazer and John Guy
Williams in Talbot County Goal; of Benjamin Hammond in Balti- p. 68
more County Goal of Henry Bateman in Anne Arundel County Goal
of Isaac Jones in Queen Anns County Goal of Henry Lawrence in
Somerset County Goal and of Edw^d Round in Worcester County
Goal, and Rejected.

A Bill from the Lower House by Mess^{rs} Stoughton and Dennis
Ent^d an Act for laying out the Town anew commonly called Princess
Anne Town in Somerset County thus endorsed

By the Lower House of Assembly 24 August 1745

Read the first time and Ordered to lie on the Table

Signed p Order W^m Tilghman Ct Lo Ho.

By the Lower House of Assembly 26 August 1745

Read the second time and will pass

Signed p Order W^m Tilghman Ct Lo Ho.

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning Nine of the Clock

Tuesday Morning 27 August 1745

August 27

This House met again according to Adjournment

Present as Yesterday

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read the Petition of the Back Inhabitants of Prince Georges
County praying that a Bill may be brought in for the division of the
said County, and also read a Petition of the said Back Inhabitants
complaining of the Injuries done to them by the Hunters setting
the Woods on Fire and praying that a Bill may be brought in for
their Relief referred to the Consideration of the Lower House of
Assembly and sent by Daniel Dulany Esq^r

U. H. J. Read the Petition of Elizabeth Hanson praying that an Act may
Liber No. 34 pass to entitle her to a Tract of Land lying in Charles County con-
 taining 100 Acres Conveyed by a certain James Connell and Ann
 his wife of St. Marys County to a Certain John Dunbar and also
 read the Petition of Samuel Preston Moore Margaret Moore and
 others praying Leave to bring in a Bill to confirm a Deed of Bargain
 and Sale from William Mitchell Edward Mitchell & Grace his Wife
 to Mordecai Moore for a tract of Land called Mitchells Chance
 referred to the Consideration of the Lower House of Assembly and
 sent by Philip Thomas Esq^r

 Read the first time the Bill entituled an Act for Limitation of
 Officers Fees and Ordered to lie on the Table

 Read the second time by especial Order the Bill entit^d an Act for
 Limitation of Officers Fees and will not pass and sent to the Lower
 House with the following Message by Col^o Hollyday

 By the Upper House of Assembly 27 August 1745

Gentlemen

p. 69 Although We cannot agree to pass the Bill Entituled an Act for
 Limitation of Officers fees, as it is now framed yet We are most
 sincerely disposed to concur in any measures that may conduce to
 the ease and Happiness of the People

 Signed p Order J Ross Ct Up Ho.

 Adjourned till to Morrow Morning nine of the Clock

August 28

Wednesday Morning 28 August 1745

 This House met again according to Adjournment

 Present as Yesterday

 Read the Petition of sundry the Freeholders and Inhabitants of
 the Upper Part of Dorchester and Queen Anns Counties praying that
 a Bill may be brought in for erecting a new County out of the Upper
 Part of the said two Counties and referred to the Consideration of
 the Lower House of Assembly and also read the Petition of sundry
 the Inhabitants of Baltimore and Jones's Towns praying that A Bill
 may be brought in for Resurveying the said two Towns and laying
 them into one and the same may be called Baltimore Town referred
 to the Consideration of the Lower House of Assembly and sent by
 Col^o Hammond

 Read the Petition of sundry the Inhabitants of Prince Georges
 County praying a Division of the said County into three parts and
 Rejected

 Read the Petition of Samuel Handy and Stephen Handy praying
 Leave to bring in a Bill to confirm a title to themselves to a Tract of

Land containing 446 Acres part of a tract of Land called Suffolk referred to the Consideration of next Session and Ordered that Public Notice be given of such Application

U. H. J.
Liber No. 34

A Message from the Lower House by Mess^{rs} Sheredine & Hopper

By the Lower House of Assembly 28 August 1745

May it please Your Honours

That nothing may be omitted on Our part Whereby the Ease and Happiness of the People may be promoted and that Your hoñble Board may have an Opportunity of shewing the sincerity of your Wishes to concur in any reasonable Measures towards their Relief by a Regulation of Officers Fees. Who propose a Conference with Your Honours for that end and shall readily join some of Our Members with Yours to reconcile if possible the difficulties that have Obstructed a Bill of that sort

Signed p^r Order W^m Tilghman Ct Lo Ho.

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

The following Message is sent by Col^o Plater

By the Upper House of Assembly 28 August 1745

Gentlemen

We do with the greatest Truth and sincerity Assure You that We will gladly Contribute Our Endeavours to promote the Ease and Happiness of the People of Maryland and do every thing in our Power to attain so good and desirable an end We therefore agree to the Conference You desire and have appointed James Hollyday & Benjamin Young Esq^{rs} two of the Members of this House to join with such Members of your House as you shall think fit to nominate for that purpose

Signed p Order J Ross Ct Up Ho.

Read the Petition of Samuel Thomas and Stephen Glanwill of Kent County praying that A Bill may be brought in to supply the Loss of the Original Will of Henry Staples of Kent County made in the Year 1686 Rejected

p. 70

A Bill from the Lower House by Mess^{rs} Ennalls and Harrison Ent^d an Act for the trial of all matters of fact in the several Counties where they have arisen or shall arise thus endorsed

By the Lower House of Assembly 26 August 1745

Read the first time and Ordered to lie on the table

Signed p Order W^m Tilghman Ct Lo Ho.

U. H. J.
Liber No. 34

By the Lower House of Assembly 28 August 1745

Read the second time and will pass

Signed p Order W^m Tilghman Ct Lo Ho.

Read the first time in this House and Ordered to lie on the Table

A Message from the Lower House by Mess^{rs} Wootton & Bond

By the Lower House of Assembly 28th August 1745

May it please Your Honours

This house hath appointed M^r Philip Hammond Doctor Carroll, Col^o Hooper Col^o Colvill Major Sheredine & M^r Lloyd to joyn the Members of your House ment^d in Your Message of this day by Col^o Plater

Signed p Order J Ross Ct Up Ho.

Read the Petition of the Upper Inhabitants of King Georges Parish in Prince Georges County praying that the Chappel to be built for the said Parish may be built in Bladensburgh, Read the Petition of sundry the Inhabitants of the Upper Part of Coventry Parish in Somerset and Dorchester Counties praying that A Bill may be brought in to Tax the Inhabitants for building a Chappel of Ease in the said Parish, Read the Petition of the Inhabitants of Cambridge in Dorchester County praying that an Act may pass to prevent the raising of Swine and Geese in the said Town referred to the Consideration of the Lower House of Assembly and sent by Edmund Jenings Esq^r

Read the Petition of sundry the Inhabitants of St. Georges Parish in Baltimore County praying that the sum of 800£ may be Levied on the Inhabitants of the said County for building a Chappel of Ease in the af^d Parish Rejected

Read the Petition of the Rector Vestrymen and Church Wardens of Christ Church Parish in Calvert County praying that A Sum of Money may be Levied on the Inhabitants of the said Parish to build a Chappel therein rejected

Adjourned till to Morrow Morning Nine of the Clock

August 29

Thursday Morning 29 August 1745

This House met again according to Adjournment

Present as Yesterday

Read the first Time the Bills entituled an Act continuing an Act ent^d an Act for the Speedy & effectual Publication of the Laws of this Province and for the Encouragement of Jonas Green of the City of Annapolis Printer, The Bill Entituled An Act for laying out
p. 71 and erecting a Town at a Place called Long Point on the West side of North East River in Cecil County, the Bill entituled A supplementary Act to the Act entituled an Act appointing Comm^{rs} for divid-

ing St. Marys County into four Parishes, and to erect that part of All Faith and King and Queen Parish lying in Charles County into a distinct Parish, The Bill ent^d an Act for laying out the Town anew commonly called Princess Anne Town in Somerset County The Bill entituled A supplementary Act to the Act ent^d an Act to enable the Commissioners therein named to lay out forty Acres of Land into Eighty Lots for a Town on Indian River in Worcester County as also forty Acres of Land into Eighty Lotts at the head of Asseateague Creek at a Place commonly called the Trap for a Town and Ordered to lie on the Table

U. H. J.
Liber No. 34

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning Nine of the Clock

Friday Morning 30 August 1745

August 30

This House met again according to Adjournment

Present as Yesterday

Read the second time the Bills following viz. the Bill entituled an Act continuing an Act entituled an Act for the speedy and effectual Publication of the Laws of this Province and for the Encouragement of Jonas Green of the City of Annapolis Printer; the Bill ent^d an Additional Supplementary Act to the Act Entituled an Act for laying out and erecting a Town called Long Point on the West side of North East River in Cecil County, the Bill entituled A supplementary Act to the Act entituled an Act for dividing St. Marys County into four Parishes, and to erect that part of All Faiths and King and Queen Parish lying in Charles County into a distinct Parish, the Bill entituled an Act for laying out the Town anew commonly called Princess Anne Town in Somerset County The Bill entituled A supplementary Act to the Act entituled an Act to enable the Commissioners therein named to lay out forty Acres of Land into eighty Lotts for a Town on Indian River in Worcester County as also forty Acres of Land into Eighty Lotts at the Head of Asseateague Creek at a Place commonly called the Trap for a Town Passed and sent by Col^o Tasker

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning nine of the Clock

U. H. J.
Liber No. 34
August 31

Saturday Morning 31 August 1745

This House met again according to Adjournment

Present

the honble	{	Benjamin Tasker Esq ^r	}	Daniel Dulany Esq ^r
		Col ^o Plater		Benj. Young Esq ^r
		Edmund Jenings Esq ^r		Col ^o Tasker
		Col ^o Hollyday		

Adjourned till to Morrow Morning Nine of the Clock

September 2
p. 72

Monday Morning 2^d September 1745

This House met again according to Adjournment

Present

the honble	{	Benjamin Tasker Esq ^r	}	Philip Thomas Esq ^r
		Col ^o Plater		Daniel Dulany Esq ^r
		Edm ^d Jenings Esq ^r		Col ^o Lloyd
		Col ^o Hollyday		Benjamin Young Esq ^r
		Col ^o Hammond		Col ^o Tasker

Adjourned till three of the Clock in the Afternoon

Eodem Die post Merediem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning Nine of the Clock

September 3

Tuesday Morning 3^d September 1745

This House met again according to Adjournment

Present as Yesterday

Three Engrossed Bills from the Lower House by Mess^{rs} Bordley and Harris one Entituled an Act continuing an Act for the speedy and effectual Publication of the Laws of this Province and for the Encouragement of Jonas Green of the City of Annapolis Printer, One Entituled an Additional supplementary Act to the Act entituled an Act for erecting a Town at a Place called Long Point on the West side of North East River in Cecil County, And the other ent^d A supplementary Act to the Act entituled an Act to enable the Commissioners therein named to lay out forty Acres of Land into Eighty Lotts for a Town on Indian River in Worcester County as also forty Acres of Land into Eighty Lotts at the head of Asseateague Creek at a Place commonly called the Trap for a Town severally thus endorsed

3 September 1745

U. H. J.
Liber No. 34

Read and Assented to by the Lower House of Assembly

Signed p Order W^m Tilghman Ct Lo Ho.

Two Engrossed Bills from the Lower House by Mess^{rs} Stoughton & Addison one Entituled an Act for laying out the Town anew commonly called Princess Anne Town in Somerset County, the other Entituled A supplementary Act to the Act entituled an Act appointing Commrs for dividing St. Marys County into four Parishes and to erect that part of All Faith and King & Queen Parish lying in Charles County into a distinct Parish severally thus subscribed

3 September 1745

Read and Assented to by the Lower House of Assembly

Signed p Order W^m Tilghman Ct Lo Ho.

Read and Assented to by this House and Ordered to be subscribed
Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Bill from the Lower House by Mess^{rs} Sprigg and Addison Ent^d p. 73
An Act to Record and make Valid in Law a Deed of Bargain & Sale from [John] Aubrey to John Hussey thus endorsed

By the Lower House of Assembly 26 August 1745

Read the first Time and Ordered to lie on the Table

Signed p Order W^m Tilghman Ct Lo Ho.

By the Lower House of Assembly

Read the second time and will pass

Signed p Order W^m Tilghman Ct Lo Ho.

Read the first time in this House and Ordered to lie on the Table
Adjourned till to Morrow Morning nine of the Clock

Wednesday Morning 4 Sept^r 1745

September 4

This House met again according to Adjournment

Present as Yesterday with the Addition of Richard Lee Esq^r
Adjourned till to morrow Morning nine of the Clock

Thursday Morning 5 Sept^r 1745.

September 5

This House met again according to Adjournment

Present as Yesterday

Two Bills from the Lower House by Mess^{rs} Buchanan & Mackall one Ent^d an Act for issuing Writs of Replevin out of the County

U. H. J. Courts of this Province the other Entituled an Act for erecting a
 Liber No. 34 Town on the North side of Potapsco in Baltimore County and for
 laying into Lotts Sixty Acres of Land in and about the Place where
 John Flemming now lives, and to an Act Entituled an Act for erect-
 ing a Town on a Creek divided on the East from the Town lately
 laid out in Baltim^o County called Baltimore Town on the Land
 whereon Edward Fell keeps Store thus Endorsed

By the Lower House of Assembly 4 September 1745

Read the first Time and Ordered to lie on the Table

Signed p Order W^m Tilghman Ct Lo Ho.

By the Lower House of Assembly 5 September 1745

Signed p Order W^m Tilghman Ct. Lo. Ho.

Read the first Time in this House and Ordered to lie on the Table

A Bill from the Lower House by Mess^{rs} Ennalls and Lecompte
 entituled An Act to prohibit the raising of Swine and Geese in the
 Town of Cambridge in Dorchester County thus endorsed

By the Lower House of Assembly 3 September 1745

Read the first time and Ordered to lie on the Table

Signed p Order W^m Tilghman Ct Lo. Ho.

By the Lower House of Assembly 5 September 1745

Read the second time and will pass

Signed p Order W^m Tilghman Ct Lo Ho.

p. 74 Read the first time in this House and Ordered to lie on the Table

Two Bills from the Lower House by Mess^{rs} Worthington and
 Harrison One Ent^d an Act to direct and impower the Clerk of
 Charles County to enter and record among the said County Records
 a Deed of Bargain and Sale from Tho^s Connell and Anne his Wife
 to John Dunbarr of a Parcel of Land therein mentioned and the other
 Entituled an Act to direct and impower the Clerk of Annⁱ County
 Court to enter and Record among the said County Records a Deed
 of Bargain & Sale from William Mitchell Edward Mitchell & Jane
 his Wife to Mordecai Moore thus Endorsed

[Thos.
 Connell is
 elsewhere
 called James
 and Mrs.
 Mitchell
 Grace]

By the Lower House of Assembly 4 September 1745

Read the first Time and Ordered to lie on the Table

Signed p Order W^m Tilghman Ct Lo Ho.

By the Lower House of Assembly 6 September 1745

Read the second time & will pass

Signed p Order W^m Tilghman Ct Lo Ho.

Read the first time in this House and Ordered to lie on the Table

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

U. H. J.
Liber No. 34

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning nine of the Clock

Friday Morning 6 September 1745

September 6

This House met again according to Adjournment

Present as Yesterday except Col^o Tasker

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Bill from the Lower House by Mess^{rs} Ennalls and Hyland ent^d
an Act for ascertaining the Gauge of Barrells for Pork Beef Pitch
& Tarr and Tare of Barrells for Flour or Bread thus endorsed

By the Lower House of Assembly 31 August 1745

Read the first Time and Ordered to lie on the Table

Signed p Order W^m Tilghman Cl Lo Ho.

By the Lower House of Assembly 6 Sept^r 1745

Read the second Time and will pass.

Signed p Order W^m Tilghman Cl Lo Ho.

Read the first time in this House and Ordered to lie on the Table

Adjourned till to Morrow Morning nine of the Clock

Saturday Morning 7 Sept^r 1745

September 7

This House met again according to Adjournment

Present as Yesterday except Philip Thomas Esq^r

Read the second time the Bills following, the Bill intituled An Act p. 75
to impower and direct the Clerk of Anne Arundel County Court to
enter and Record among the said County Records a Deed of Bar-
gain and Sale from W^m Mitchell Edward Mitchell and Grace his
Wife to Mordecai Moore deceased The Bill ent^d an Act to empower
and direct the Clerk of Charles County to enter and Record among
the said County Records a Deed of Bargain & Sale from James
Connell & Anne his Wife to John Dunbarr of a parcel of Land
therein ment^d the Bill ent^d an Act to prevent the raising of Swine &
Geese in the Town of Cambridge in Dorchester County the Bill
intituled An Additional and Supplementary Act to the Act intituled

U. H. J. an Act for erecting a Town on the North side of Potapasco River in
 Liber No. 34 Baltimore County and for laying out in Lotts Sixty Acres of Land
 in & about the Place where John Flemming now lives and to an Act
 entituled an Act for erecting a Town on a Creek divided on the East
 from the Town lately laid out in Baltimore County called Baltimore
 Town on the Land whereon Edward Fell keeps Store passed and sent
 by Richard Lee Esq^r

Read the second time the Bill entituled an Act to Record and
 make valid in Law a Deed of Bargain & Sale from John Aubrey to
 John Hussey and will not pass sent by Col^o Lloyd

Adjourned till Monday Morning Nine of the Clock

September 9

Monday Morning 9 September 1745

This House met again according to Adjournment

Present

the hon ^{ble}	{	Benjamin Tasker Esq ^r	}	Philip Thomas Esq ^r
		Col ^o Plater		Daniel Dulany Esq ^r
		Edmund Jenings Esq ^r		Benj ^a Young Esq ^r
		Col ^o Hollyday		R ^d Lee Esq ^r
		Col ^o Hammond		

Five Engrossed Bills from the Lower House by Mess^{rs} Ennalls &
 Buchanan An Act to prohibite raising Swine & Geese in the Town
 of Cambridge in Dorchester County, An Act to impower and direct
 the Clerk of Anne Arundel County Court to enter and Record among
 the said County Records a Deed of Bargain & Sale from William
 Mitchell and Grace his Wife to Mordecai Moore dec'd An Act to
 impower and direct the Clerk of Charles County to enter and Record
 among the said County Records a Deed of Bargain & Sale from
 James Connell and Anne his Wife to John Dunbar of a Parcel of
 Land therein mentioned A Supplementary and Additional Act to the
 Act entituled an Act for erecting a Town on the North side of
 Potapasco River in Baltimore County and for laying out in Lotts
 Sixty Acres of Land in and about the Land where John Flemming
 now lives, And an Act, entituled an Act for erecting a Town on a
 Creek divided on the East from the Town lately laid out in Balti-
 more County called Baltimore Town on the Land where Edward
 Fell keeps Store severally thus subscribed

9 September 1745

Read and Assented to by the Lower House of Assembly

Signed p Order W^m Tilghman Cl^k Lo Ho.

Read and Assented to by this House and Ordered to be so sub-
 scribed

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem
This House met again according to Adjournment
Present as in the Morning
Adjourned till to Morrow Morning nine of the Clock

U. H. J.
Liber No. 34

p. 76

Tuesday Morning 10 September 1745
This House met again according to Adjournment

September
10

Present as Yesterday

Read the Petition of Francis Warring praying Leave to bring in a Bill to vest in the Petitioner and the heirs of his Body & for want of such Heirs in the Heirs of the Body of Basil Warring and Martha Warring part of two tracts of Land called Maussioscon and Addition Referred to the Consideration of the Lower House of Assembly and sent by Richard Lee Esq^r

Col^o Hollyday delivers the following Report

At A Conference Appointed by the Upper and Lower Houses of Assembly relating to an Officers Fee Bill on Fryday the 30 day of August 1745

Were Present

the hon^{ble} { James Hollyday Esq^r
Benjamin Young Esq^r } of the Upper House

M^r Philip Hammond Col^o Henry Hooper
Doctor Charles Carroll Major Sheredine
Col^o Thomas Colvill M^r Rob^t Lloyd } Of the Lower House

Who made Choice of M^r Richard Dorsey for their Clerk & then proceeded to Business; When the Conferees of the Upper House proposed that the Duration that the Bill should have be first Considered upon which the Conferees agreed to Resort back to their respective Houses for Information therein

At the next Meeting the Conferees of the Lower House said that it was the Opinion of their House that the Bill should have its duration for seven Years and to the end of the next Session of Assembly which should happen after the Expiration of the said seven Years which the Conferees of the Upper House declared to be agreeable to the sence of their House

At the following Meeting it was proposed by the Conferees of the Upper House that the fees should be settled either in Current Money or Tobacco absolutely, but before the Conferees came to any Resolution thereon both Parties Resorted back to their respective Houses again, And at the next Meeting the Conferees of the Lower House informed the Conferees of the Upper House that the sence of their House was that the several Officers fees should be settled in Tobacco, to which the Conferees of the Upper House agreed

U. H. J. At the following Meeting the Conferees of both Houses agreed
 Liber No. 34 to enter upon settling the quantum of the Fees and in Order to that
 took first under their Consideration the Fees for Copying and search-
 ing as being the most considerable Branches of Business and after
 some Debates the Conferees of the Lower House made the following
 Propositions.

1st That all Copying should be reduced to Eight pounds of Tob^o
 p side as it stands in the Bill sent this Session to the Upper House

2^d That all searchers should be Limited at 15th of Tobacco gener-
 ally as they stand in the aforesaid Bill

p. 77 3^{dly} That when the Deputy Commissarys grant Letters of Admin-
 istration or Testamentary and charge the Parties therewith the Com-
 missary shall charge no Fees for such services

At the next Meeting the Conferees of the Upper House acquainted
 the Conferees of the Lower House, that the Upper House for the
 Ease and Satisfaction of the People and to shew the sincerity of
 their Intentions in relation to the Subject matter of this Conference
 were willing to agree

1st To Nine Pound of Tobacco p side for Copying

2 To fifteen Pound of Tobacco Generally for all Searchers and
 3^{dly} That a Provision shall be made in the Bill to prevent the Com-
 missary General taking Fees for Services done by his Deputies, But
 for saving time which had been very much Protracted by the tedious
 Method of having Recourse to the Houses for Instructions on each
 particular Article the Upper House did propose that all Fees be re-
 duced to a Medium between those taken by his Lordships Proclama-
 tion and those incerted in the Bill lately Rejected by them, with the
 Condition that Naval Officers Fees be no part of the Consideration
 of this Conference they being already provided for by a Law now in
 force and that Examiners fees be incerted

Which Proposition of a Medium the Conferees of the Lower
 House rejected

Whereupon the Conferees of the Upper House acquainted the
 Conferees of the Lower House that the Upper House proposed all
 Fees should be settled by a Reduction of 20 p Cent from them as they
 stand in his Lordships Proclamation to which the Conferees of the
 Lower House answered that they were not instructed by their House
 on that head and proposed to return to their House for Instructions
 thereon, and at the same time desired that the Conferees of the Upper
 House would likewise resort to their House and know whether if the
 Lower House should agree to a deduction of 20 p Cent on all other
 fees those already mentioned to be agreed to should stand accordingly
 and Copying be reduced from Nine Pounds of Tobacco to Eight
 Pounds of Tobacco p side

At a following Meeting the Conferees of the Lower House acquainted the Conferees of the Upper House, that their House rejected the Proposition generally on all fees & the Conferees of the Upper House acquainted them that their House would not agree to their last mentioned Proposition but that they would Consent that the Points already agreed on should stand that Copying should be fixed at 9th of Tobacco p side and all other Fees should be rated at 20 p Cent below what they stand in his Lordships Proclamation

U. H. J.
Liber No. 34

At the next Meeting the Conferees of the Lower House rejected the last mentioned Proposition of the Upper House

Your Conferees beg Leave to Observe that at the first Entrance on the Consideration of the Quantum of the Fees it was proposed by the Conferees of the Lower House that We should lay before Us as a Rule, the fees that were allowed for service in Virginia and Pennsylvania, and they produced the Laws of those Provinces regulating the fees there for that Purpose

This the Conferees of the Lower House could not agree to, because that they apprehended there were wide differences between the Circumstances of the several Provinces, and the Services in use in each of them, They were willing that they should draw what Argument they thought proper from them, but could not Consent that they should be Considered in any Sort as Rules for them to be Regulated by, for though they may often Agree in Names the Real Service to be done may be different and they were not able to Judge wherein such Difference may Consist

p. 78

In Pennsylvania all fees are paid in Money and that Payment made at the time of doing the service, so that there is no laying out of Money, no Loss by bad Debts nor any Charges of Collection &c^a which disadvantage must always attend Officers who are paid in Tobacco; In Virginia where Fees are paid in Tobacco the Extent of that Province and number of its Inhabitants so much exceed this that the same services on both done at the same Rate must produce to the Virginia Officer much more than to the Maryland one, and the same sum of Tobacco by Reason of the very great Disparity there is between that of Virg^a and that of Maryland especially of Officers Tobacco must be a very different Recompence here and there, there are no trash Tobacco can be imposed on the Officer for all must pass Inspection, and no one can be paid Inconvenient for all Payments are at the publick Warehouses, here the Charges of Collecting Receiving Rolling and Prizing sink a very great part of the Officers Tob^o itself, and what he receives at last, is fallen into so low Repute by the unfair Custom of Packing up Trash and Unmerchable Tobacco, which so much prevail in this Province, that it bears no Proportion in Value with that of Virginia

And upon closing this Conference of the Lower House insisted on inserting in the Report of the proceedings their House produced as

U. H. J. Presidents for the Conferees to go by in Cases where they did not
 Liber No. 34 otherwise Agree the Laws of Virginia and Pennsylvania relating to
 Fees there, which Your Conferees would not agree to because they
 might be permitted also to incert the Reasons above mentioned why
 the Laws relating to the fees in Virginia and Pennsylvania were
 improper for Precedents in Maryland which the Conferees of the
 Lower House disagreed to and thereupon the Conferees of both
 Houses agreed to make separte Reports

Signed p Order Conferees of the Upper House Richard Dorsey Clk.
 Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning nine of the Clock

September
 11

Wednesday Morning 11 Sept^r 1745

This House met again according to Adjournment

Present as Yesterday

A Bill from the Lower House by M^r Goldsborough and five others
 Ent^d an Act to remedy some Defects in an Indenture of Bargain &
 Sale made & Executed by Michael Curtis and Sarah his Wife late of
 Saint Marys County deceased and Charles Carroll late of the City
 of Annapolis deceased thus Endorsed

By the Lower House of Assembly 19 August 1745

p. 79 Read the first time and Ordered to lie on the Table

Signed p Order W^m Tilghman Ct Lo Ho.

By the Lower House of Assembly 11 September 1745

Read the second time and will pass

Signed p Order W^m Tilghman Ct Lo Ho

Message from the Lower House by Mess^{rs} Hall & Thomas

By the Lower House of Assembly 11 September 1745

May it please Your Honours

We are very sorry to find that the Conferees appointed by both
 Houses in Order to adjust an Officers Fee Bill have broke up with-
 out perfecting so just & desirable an end the disagreement between
 them is such that they cannot agree to make a joint Report of their
 Proceedings and as We are willing to think that Your Hononrs
 as well as We, are desirous to put an end to a dispute of this kind,
 and quiet the minds of the People herein, We have hopes You will
 concur with Us in all Matters that may bring about a reasonable
 Regulation of Officers Fees, which We still apprehend would be

accompanied with less difficulties in a Conference than in any other manner, and therefore hope You will once more appoint such Gentlemen of your House as You think proper to join some of Ours in another Conference in Order if possible to regulate and settle Officers Fees, that the same may be reduced into a Law

U. H. J.
Liber No. 34

Signed p Order W^m Tilghman Ct Lo Ho.

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

The following Message is sent by Col^o Hammond

By the Upper House of Assembly 11 September 1745

Gentlemen

Your Journal will show that on the 27 of August last this House by Message made the first Advance for an Amicable Settlement of the Officers Fees and We may now say the sincerity of Our dispositions to concur in any amicable measures that may conduce to the Ease and Happiness of the People intimated in that Message must stand confessed by your House and the whole Province; for in Consequence of that Message Our House made Offers for Reduction of the Fees, so far beyond your own Hopes & Expectations that you concluded You might ask any thing and Our House would refuse nothing, and that therefore You need not Bound Yourselves by Reason since the Willingness of this House for the Ease and Quietness of the People of this Province was without Bounds, to such like reasoning and not any Averseness in You to the Ease and Quiet of your Constituents, We would willingly impute what followed in the Conference where after the Conferees of this House had made such large Concessions as nothing hardly was left to ask by your House, and in particular had agreed to reduce the Copying fees to nine Pounds of Tobacco from twelve in one Office and Eleven in the other Offices Yet the Conferees of Your House disagreed from those of Our House because Our Conferees would not consent to a further reduction of that Fee to Eight We might from hence take sufficient Comfort to Ourselves in having very earnestly endeavoured to procure the Welfare and Quiet of the People but as this House Acts upon such Principles as not to be diverted by the mistakes or Misapprehensions of other People from pursuing the Real Good & Interest of the County and as We consider an Officers fee Bill one of the Steps for procuring a Good Harmony between the Government & People We do assure you that as We have now Reason to hope your house is not less earnest for a good Understanding and removal of Jealousies and Uneasinesses then We are Ourselves We shall very readily take the Officers fee Bill again into Our Consideration so

U. H. J. that the Bill may proceed and be carried on hand in hand with the
Liber No. 34 other Bills conducive to the Laudable end of Quietness Ease and
Prosperity to the whole Province and We have therefore appointed
Benj^a Tasker and Daniel Dulany Esq^{rs} to confer with such Mem-
bers as Your House shall think proper to Name for that Purpose in
Answer to Your Message of this day by Mess^{rs} Thomas and Hall

Signed p Order J Ross Cl Up Ho.

Adjourned till to Morrow Morning nine of the Clock

September
12

Thursday Morning 12 Sept^r 1745

This House met again according to Adjournment

Present as Yesterday with the Addition of Samuel Chamberlain
Esq^r

Read the first time the Bill prepared in this House Ent^d an Act to
restrain Non Residents from hunting within this Province and to
prevent the Mischief Occasioned by setting the Woods on Fire &
Ordered to lie on the Table

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning nine of the Clock

September
13

Friday Morning 13 September 1745

This House met again according to Adjournment

Present as Yesterday except Richard Lee Esq^r

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning nine of the Clock

September
14

Saturday Morning 14 Sept^r 1745

This House met again according to Adjournment

Present as Yesterday except Philip Thomas Esq^r

A Message from the Lower House by Mess^{rs} Henry & Wilkinson

By the Lower House of Assembly 14 Sept^r 1745

U. H. J.
Liber No. 34

May it please Your Honours

As We suppose Your Honours will not deny in express terms that a Parliamentary Proceeding by Bills is an amicable one, nor that the 21st day of August is Prior to the 27 day of the same Month We must in Answer to Your Message of the 11th Instant inform You that on the said 21st day of last Month We sent up to Your House, after a Passage in this a Bill ent^d an Act for Limitations of Officers Fees which step taken by us, was, We think this Session the first Advance for an amicable settlement of the Officers Fees, and which Bill tho the Fees stand charged in it Considerably higher in every Article than those of Our Neighbouring Governments, from whence it might have been reasonably Expected to have passed Your House Yet to shew the sincerity of your dispositions to concur in any reasonable Measures that might conduce to the Ease and Happiness of the People was returned to this House Indorsed p. 81

By the Upper House of Assembly 27 August 1745

Read the second time by especial Order and will not Pass And thô from Your Message therewith We entertained hopes the matter might be Adjusted by a Conference and accordingly proposed One, And Wherein those named Acted in Pursuance of & agreeable to the Orders and Instructions of this House, Yet to give a further Proof of your sincere disposition &c^a Your Conferees demanded and We Agreed for some Ease and Quiet to the People to allow a considerable Advance upon most of the Articles in that Bill, but because We could not Agree to advance still larger upon the Article of Copies, out of Your greater Regard to some other Motive than the Ease & Quiet of the People, that Concession was refused, And thus ended the Conference from hence will appear the sincerity of your Disposition to concur in any reasonable Measures that might conduce to the Ease and Happiness of the People, intimated in Your Message sent with that Bill, and hence too, take to Your selves what Comfort you can, in having very earnestly endeavoured to promote the Welfare & quiet of the People; But as this House Act upon such Principles as not to be diverted by any Insinuations or designs whatever from endeavouring to procure what Ease and Quiet we are able to the People, We applied for a farther Conference on the Subject of Officers Fees to which Proposal since Your Honours have readily agreed We have named Mess^{rs} Joshua George, Henry Hall, John Hall, Nich^o Goldsborough John Gresham and George Buchanan to join the Members appointed by your House for that Purpose and We hope that on a Reconsideration of that Subject some such Propositions may be made as may meet with the Approbation of both Houses

Signed p Order W^m Tilghman Cl Lo Ho.

Adjourned till three of the Clock in the Afternoon

U. H. J.
Liber No. 34

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Bill from the Lower House by Mess^{rs} Gordon and Hyland Ent^d an Act for laying an Imposition on Tobacco and other Commodities therein mentioned for the discharge of his Lordships Quit Rents and support of Government thus Endorsed

By the Lower House of Assembly 7 Sept^r 1745

Read the first time and Ordered to lie on the Table

Signed p Order W^m Tilghman Ct Lo. Ho.

By the Lower House of Assembly 14 Sept. 1745

Read the second time and will pass

Signed p Order W^m Tilghman Ct Lo Ho.

Read the first Time in this House and Ordered to lie on the Table

p. 82 Adjourned till Monday Morning Nine of the Clock

September
16

Monday Morning 16 September 1745

This House met again according to Adjournment

Present

the hon ^{ble}	{	Benjamin Tasker Esq ^r	{	Samuel Chamberlain Esq ^r
		Col ^o Plater		Philip Thomas Esq ^r
		Edmund Jenings Esq ^r		Daniel Dulany Esq ^r
		Col ^o Hollyday		Benj ^a Young Esq ^r
		Col ^o Hammond		

Read the second time the Bill ent^d an Act for laying an Imposition on Tob^o and other Commodities therein ment^d for discharging his Lordships Quit Rents and support of Government passed and sent by Benj^a Young Esq^r

Read the Petition of [Samuel] Thomas and Stephen Glanville of Kent County praying Leave to bring in a Bill for supplying the Loss of the Original Will made by the Year 1686 and the Registry thereof of Henry Staples of Kent County deceased Referred to the Consideration of the Lower House and sent by Samuel Chamberlain Esq^r

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning Nine of the Clock

Tuesday Morning 17 September 1745

This House met again according to Adjournment

U. H. J.
Liber No. 34
September
17

Present as Yesterday

A Bill from the Lower House by Mess^{rs} Wootton and Addison Ent^d an Act for Settlement of the Lands therein ment^d on Francis Warring and the Heirs of his Body lawfully begotten thus endorsed

By the Lower House of Assembly 14 September 1745

Read the first Time and Ordered to lie on the Table

Signed p Order W^m Tilghman Ct Lo Ho.

By the Lower House of Assembly 17 September 1745

Read the second time and will pass

Signed p Order W^m Tilghman Ct Lo Ho.

Read the first time in this House and Ordered to lie on the Table

Read the second time the Bill prepared in this House Ent^d an Act to restrain non Residents from Hunting within this Province and to prevent the mischief occasioned by setting the Woods on Fire passed and sent by Edmund Jenings Esq^r

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning Nine of the Clock

Wednesday Morning 18 September 1745

This House met again according to Adjournment

September
18
p. 83

Present as Yesterday

Benjamin Tasker Esq^r brings in the following Report

At a Conference of Both Houses of Assembly Appointed to regulate the several Officers fees on Monday 16th of September 1745

Present

the hoⁿble { Benjamin Tasker Esq^r
Daniel Dulany Esq^r } of the Upper House

Mr Joshua George } Mr N. Goldsborough }
Major Henry Hall } Mr John Gresham } of the Lower House
Col^o John Hall } Doctor Buchanan }

Who make Choice of Benjamin Tasker Esq^r Chairman and R^d Dorsey their Clerk

U. H. J. Your Conferees have agreed that the Officers Fees shall be under
Liber No. 34 the following Regulation viz.

That there shall be fifteen Pounds of Tobacco allowed for all searches in the Superior Offices Searches under a Years standing not to be Charged and nine H of Tobacco p side reckoning 105 Words to aside for recording and Copying in the same Offices

That there shall be a Deduction of one fifth of all Officers fees as now taken except for the above two Articles

That the Commissary General shall have no fees on small Estates which shall not exceed the Value of thirty Pounds Currency nor on services which shall be done by the Deputy Commissaries in Virtue of their Office

That there shall be Tables of Fees in the Act according to the Limitation now agreed on.

That Clerks shall be restrained from entring any Motion or Orders in Civil or Criminal Cases but where any Party shall desire or pay for the Entry

That there be a proper Clause in the Act to restrain Officers from exacting or taking more or other Fees than such as shall be mentioned in it, and that there be an Oath of Office, and that the Act shall Continue for seven years and to the end of the next Session of Assembly which shall happen after the end of the said seven Years, All which is submitted to the Consideration of both Houses

Benj ^a Tasker	Joshua George	Geo. Buchanan
John Hall	Dan ^l Dulany	Henry Hall
John Gresham	N. Goldsborough	

Read the second time the Bill entituled an Act for the Tryall of all matters of Fact in the several Counties where they have arisen or shall arise and Passed & sent to the Lower House with the following Message by Col^o Plater

By the Upper House of Assembly 18 Sept^r 1745
Gentlemen

p. 84 Altho' We have Passed the Bill Entituled an Act for the Tryall of all matters of Fact in the several Counties where they have arisen or shall arise without any Amendments Yet We must observe that the Allowance intended by that Bill for the Justices of Assize is too inconsiderable for the Trouble Care and Abilities of Gentlemen who must by this Bill be intrusted with the distribution of Justice which Concerns the Life Liberty & property of every Individual in the Province therefore We recommend to Your Consideration that the Allowance in the Bill may be increased to 18000th or fifty Pounds Currency each Assize, and if Your House thinks proper to agree to this Alteration it may be made in your House accordingly

Signed p Order J Ross Ct Up Ho.

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

U. H. J.
Liber No. 34

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning nine of the Clock

Thursday Morning 19 September 1745

September
19

This House met again according to Adjournment

Present as Yesterday

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Bill from the Lower House by Mess^{rs} Harris and Barnes Ent^d
an Act to enable the Commissary General to enter and Record
amongst the Records of his Office the last Will & Testament of Henry
Staples Deceased for the Purposes therein mentioned thus Endorsed

By the Lower House of Assembly 19 September 1745

Read the first and second time by Especial Order and will Pass

Signed p Order W^m Tilghman Ct Lo. Ho.

Read the first Time in this House and Ordered to Lie on the Table

Read the Petition of Joseph Gwyn praying an Allowance may be
made him for a Negro Man named Martin committed for a Felony
and who dyed in Goal Before his Conviction referred to the Con-
sideration of the Lower House of Assembly and sent by Col^o
Hammond.

Read the second time the Bill ent^d an Act for Settlement of the
Lands therein mentioned on Francis Warring and the Heirs of her
Body lawfully begotten passed & sent by Daniel Dulany Esq^r

Read the first time in this House the Bill ent^d an Act to remedy
some Inconveniences in the present Practice relating to Attachments
and Ordered to lie on the Table

Read the first time the Bill prepared in this House Ent^d an Act
to prevent Frauds and to secure the Estates of Purchasers and Or-
dered to lie on the Table

Read the Petition of John Boyd praying that an Act may pass to
enable the Clerk of Prince Georges County Court to record a Deed
from John Navil William Collyer and Thomas Bond to the Pet^r for
part of a Tract of Land called Turkey Thickett Referred to the
Consideration of the Lower House of Assembly and sent by Col^o
Hollyday

Adjourned till to Morrow Morning nine of the Clock

U. H. J.
Liber No. 34
September
20

Friday Morning 20 September 1745

This House met again according to Adjournment

Present as Yesterday

Read the first time the Bill entituled an Act to remedy some Defects in an Indenture of Bargain and Sale made and executed by Michael Curtis and Sarah his Wife late of St. Marys County dec^d and Charles Carroll Esq^r late of the City of Annapolis Deceased and ordered a second Reading on the last of October next

Read the second time the Bill ent^d an Act to enable the Commsry General to enter and Record amongst the Records of his Office the last Will & Testament of Henry Staples deceased for the purposes therein mentioned Passed and sent by Edmund Jennings Esq^r

Read the second time the Bill entituled an Act to remedy some Inconveniences in the General Practice relating to Attachments; and the Bill entituled an Act to prevent Frauds and to secure the Estates of Purchasors passed and sent by Daniel Dulany Esq^r

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Bill from the Lower House by Mess^{rs} Courts and Pearce Entituled an Act for Limitation of Officers fees thus endorsed

By the Lower House of Assembly 19 Sept^r 1745

Read the first Time and Ordered to lie on the Table

Signed p Order W^m Tilghman Ct Lo Ho.

By the Lower House of Assembly 20 Sept^r 1745

Read the second time and will pass.

Signed p Order W^m Tilghman Ct Lo Ho.

Read the first Time in this House and Ordered to lie on the Table

An Engrossed Bill from the Lower House by Mess^{rs} Hyland and Hooper Ent^d an Act for the tryal of all matters of Fact in the several Counties where they have Arisen or shall Arise thus subscribed

By the Lower House of Assembly 20 September 1745

Read and Assented to by the Lower House of Assembly

Signed p Order W^m Tilghman Ct Lo Ho.

An Engrossed Bill from the Lower House by Mess^{rs} Pemberton & Bond Entituled an Act for laying an Imposition on Tobacco and other Commodities therein ment^d for the discharge of his Lordships Quit Rents and support of Government thus subscribed

20 Sept^r 1745

p. 86 Read and Assented to by the Lower House of Assembly

Signed p Order W^m Tilghman Ct Lo Ho.

Read and Assented to by this House and Ordered to be so sub- U. H. J.
scribed Liber No. 34

Adjourned till to Morrow Morning nine of the Clock

Saturday Morning 21 September 1745

September
21

This House met again according to Adjournment

Present as Yesterday except Philip Thomas Esq^r

A Bill from the Lower House by Mess^{rs} Addison and Harris Enti-
tuled an Act to direct and Impower the Clerk of Prince Georges
County to enter & Record among the Records of the said County a
Deed of Bargain & Sale from John Nevil William Collyer and James
Bond to John Boyd of a tract of Land therein ment^d thus endorsed [On page 41,
Bond is
called
Thomas]

By the Lower House of Assembly 21 September 1745

Read the first and second time by especial Order & will pass

Signed p Order W^m Tilghman Cl Lo Ho.

Read the first time in this House and Ordered to lie on the Table

Two Engrossed Bills from the Lower House by Mess^{rs} Hall &
Bond One Entituled an Act to enable the Commissary General to
enter and Record amongst the Records of his Office the last Will and
Testament of Henry Staples Deceased for the Purposes therein men-
tioned the other entituled an Act for settlement of Lands therein men-
tioned or Francis Warring and the Heirs of his Body lawfully Be-
gotten thus subscribed

21 Sept^r 1745

Read and Assented to by the Lower House of Assembly

Signed p Order W^m Tilghman Cl Lo Ho.

Read and Assented to by this House and Ordered to be so
subscribed

Adjourned till Monday Morning nine of the Clock

Monday Morning 23^d September 1745

September
23

This House met again according to Adjournment

Present

the hon ^{ble}	{	Benjamin Tasker Esq ^r	}	Sam ^l Chamberlain Esq ^r
		Col ^o Plater		Philip Thomas Esq ^r
		Col ^o Hollyday		Daniel Dulany Esq ^r
		Col ^o Hammond		Col ^o Lloyd
		Edmund Jenings Esq ^r		Benj ^a Young Esq ^r

The Bill from the Lower House by Mess^{rs} Hooper and Barnes
entituled an Act to restrain Non Residents from hunting within this

U. H. J Province and to prevent the mischief Occasioned by setting the
Liber No. 34 Woods on Fire thus endorsed

By the Lower House of Assembly 17 September 1745

Read the first time and Ordered to lie on the Table

Signed p Order W^m Tilghman Ct Lo. Ho.

By the Lower House of Assembly 21 September 1745

Read the second time and will not pass

Signed p Order W^m Tilghman Ct Lo Ho.

Adjourned till three of the Clock in the Afternoon

p. 87

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning Nine of the Clock

September
24

Tuesday Morning 24 September 1745

This House met again according to Adjournment

Present as Yesterday

Read the second time the Bill entituled an Act to impower and direct the Clerk of Prince Georges County to enter and record amongst the Records of the said County a Deed of Bargain & Sale from John Newell William Collyar and Thomas Bond to John Boyd of a tract of Land therein mentioned passed and sent by Col^o Lloyd

A Bill from the Lower House by Mess^{rs} Wootton and Ennalls Ent^d an Act to divide Prince Georges County and to erect a new one by the name of Frederick County thus Endorsed

By the Lower House of Assembly 24 September 1745

Read the first and second time by especial Order and will Pass

Signed p Order W^m Tilghman Ct Lo Ho

Read the first time in this House and Ordered to lie on the Table

Two Bills from the Lower House by Mess^{rs} Gresham and Henry one Entituled an Act to remedy some Inconveniences in the present Practice relating to Attachm^{ts} and the other ent^d an Act to prevent frauds and to secure the Estates of other Purchasors thus endorsed

By the Lower House of Assembly 20 September 1745

Read the first time and Ordered to lie on the Table

Signed p. Order W^m Tilghman Ct Lo Ho.

By the Lower House of Assembly 24 September 1745

Read the second time and will pass

Signed p Order W^m Tilghman Ct Lo Ho.

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

U. H. J.
Liber No. 34

This House met again according to Adjournment

Present as in the Morning

A Bill from the Lower House by Mess^{rs} Wilson and Mackall Ent^d an Act for ascertaining the Allowance of Petit Jurors attending the Provincial Courts and to limit Costs with respect to Evidences thus endorsed

By the Lower House of Assembly 24 September 1745

Read the first and second time by especial Order and will Pass

Signed p Order W^m Tilghman Ct Lo Ho.

Read the first time in this House and Ordered to lie on the Table

A Bill from the Lower House by Mess^{rs} Gresham and Bond entitled an Act for laying out one Acre of Land convenient to Rock Creek Landing in Potomack River on the Land George Gordon now lives on and for Building a Rolling House thereon thus Endorsed p. 88

By the Lower House of Assembly 18 Sept. 1745

Read the first time and Ordered to lie on the Table

Signed p order W^m Tilghman Ct Lo Ho.

By the Lower House of Assembly 24 Sept^r 1745

Read the second time and will pass

Signed p Order W^m Tilghman Ct Lo Ho.

Read the first time in this House and Ordered to lie on the Table

Read the second time the Bill ent^d an Act for Limitation of Officers Fees passed with the following Amendments & sent by Philip Thomas Esq^r

1st That the whole Preamble be left Out

2^{dly} That the Fee to the Chancellor for Dedimus Potestatem be incerted & omit the Words Dedimus Potestatem in the Article of Commission

3^{dly} That A Writ of Execution on a Judgment in the Secretarys fees be 45 instead of 41 it being an Error in the deduction in the Bill

4^{thly} That there be added to the Examiner Generals fees the following Words viz in the same manner for every Tract on a Resurvey, for the Vacancy if any be added and for the whole when reduced into one Tract

5^{thly} That the same Allowances as in the Secretarys Office for services not mentioned in the Act be in the several Other Offices

6^{thly} That after the Words, Great Seal, in third Line of 22^d Page insert the Words, or Surveyor General when such Office shall be in the hands of the Governor The Words, And Be it Enacted whenever any Attachment is laid where the Sheriff doth not take the Effects in his Custody that there he shall have no Condemnation fee

U. H. J. he running no Risque, between 15th & 17th Lines of same Page be
Liber No. 34 left out, after the Words, your own Use, in 22nd Line of the same
Page put the following Words for any service you shall do as Clerk
of the said Office for your Principal

Adjourned till to Morrow Morning nine of the Clock

September
25

Wednesday Morning 25 Sept^r 1745

This House met again according to Adjournment

Present as Yesterday

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read the second time the Bill Ent^d an Act for issuing Writs of
Replevin out of the County Courts of this Province and will not pass
sent by Samuel Chamberlain Esq^r

Read the second time the Bill ent^d an Act for laying out one Acre
of Land convenient to Rock Creek standing on Potowmack River
the Land George Gordon now lives on and for building a Rolling
house thereon passed and sent by Col^o Hammond.

p. 89 Read the second time the Bill Entitled an Act to divide Prince
Georges County and to erect a new one by the name of Frederick
County, And the Bill Ent^d an Act to divide Dorchester and Queen
Anns Countys and to erect a new County out of the Upper part
thereof by the name of Prince Williams County and will pass, the
Words from and after the 29th day of September which shall be in
the Year of Our Lord 1746 in 5th Line of the 1st Page being left out,
and that a Clause be incerted that this Act shall not take Place until
his Lordships Pleasure be known sent by Col^o Hollyday

M^r King & four others from the Lower House bring up the
Journal of Acco^{ts} thus subscribed

25 September 1745

Read and Assented to by the Lower House of Assembly.

Signed p Order W^m Tilghman Ct Lo Ho.

An Engrossed Bill from the Lower House by Mess^{rs} Wootton
and Lecompte Entitled an Act to direct and impower the Clerk of
Prince Georges County to enter and Record among the Records of
the said County a Deed of Bargain & Sale from John Nevile William
Collyer and Thomas Bond to John Boyd of a tract of Land therein
mentioned thus subscribed

25 September 1745

U. H. J.
Liber No. 34

Read and Assented to by this House and Ordered to be so
Subscribed

Signed p Order W^m Tilghman Cl Lo Ho.

Adjourned till to Morrow Morning Nine of the Clock

Thursday Morning 26 Sept^r 1745

September
26

This House met again according to Adjournment

Present as Yesterday

A Message from the Lower House by Mess^{rs} Sprigg and Hopper
with the Bill for dividing Prince Georges County and the Bill for
dividing Dorchester and Queen Anns Counties

By the Lower House of Assembly 26 Sept^r 1745

May it please Your Honours

We herewith return the two following Bills viz. a Bill Ent^d an
Act to divide Prince Georges County and to erect a new one by the
name of Frederick County and a Bill ent^d an Act to divide Dorches-
ter and Queen Anns Counties and to erect a new one out of the Upper
part thereof by the name of Prince William County and as We
cannot consistent with our Duty introduce a Precedent unknown in
the manner of passing our Laws within this Province so We cannot
agree to the Amendments proposed by your House But We are
sensible that the People greatly want and desire those Bills to take
place as Laws, We are willing to lengthen the time in them respec-
tively ment^d to the 29 day of Sept^r 1747 and hope Your Honours will
agree with us therein

Signed p Order W^m Tilghman Cl Lo Ho.

Col^o Lloyd from the Committee appointed to inspect the Accounts
& Proceedings of the Comm^{rs} of the Paper Currency Office brings
in the following Report

At a Committee of both Houses of Assembly appointed to inspect
the Office & Proceedings of the Comm^{rs} for Emitting Bills of Credit
established by Act of Assembly

Were Present

The hoⁿble Edward Lloyd Esq^r of the Upper House

Col ^o John Henry	} Maj ^r Thos. Sheredine	} of the		
Mr Abr ^a Barnes			} Mr Grundy Pemberton	} Lower House
Col ^o Thomas Colvil				

p. 90

Who make Choice of the honble Edward Lloyd Esq^r Chairman
and Richard Dorsey their Clerk and agree to make the following
Report that they have inspected the State of the Office for emitting
the Paper Money and find by their Books that there remains out of
the 89990£ a Balance in the Iron Chest as in the annexed Account
of £6929..14..11

U. H. J. That Your Committee at the desire of the Commrs did count over
 Liber No. 34 & see destroyed and burnt to Ashes the following torn and defaced
 Bills to the Amount of £2553..18..0

389 Bills of 20 ^s Value	389.. 0..0
535 D ^o of 15	401.. 5..0
1045 D ^o of 10	522..10..0
1799 D ^o of 5	449..15..0
2328 D ^o of 2/6	291.. 0..0
2514 D ^o of 1/6	188..11..0
2237 D ^o of 1/	111..17..0
	£2353..18..0

Your Committee apprehends that there are still Ballances due from several Counties on Acco^t of the 30/ 7p Taxable received by the Justices at the first Emitting the Paper Money and recommend that the Commrs of the Paper Currency Office be directed to give Notice to the Justices of the respective Counties who have failed to transmit the said Ballances & that they pay the same without delay to the said Commissioners all which is submitted to the Consideration of both Houses this 26 day of September 1745

Edw^d Lloyd Abr^a Barnes Tho^s Sheredine
 John Henry Thos. Colvill Grundy Pemberton

D^r The Office for Emitting the Paper Money of Maryland from 7th of March 1743 to the 10 of July 1745 Inclusive

To Ballance of Accounts then stated 7 Mar 1743	} 7735..10..0
before Committee of both Houses for such part of the 89990 ^{ll} as was then signed	
To Principal Money paid unto the Office on Leans from 7 of March 1743 to 10 of July 1745 inclusive	} 2475.. 0..0

To Interest Money paid into ditto in the same time 1017..15..9

To Money paid into the Office by sundry Naval Officers by Virtue of an Act of Assembly for transporting his Majestys forces viz

By Samuel Chamberlain Esq ^r	173.. 1.. 6
By Thomas Brewster	138.. 9.. 4
By the Executrix of William Rumsey	13.. 4.. 4
By the Executors of Philip Lee Esq ^r	184..15.. 5¼
By George Plater Esq ^r	41..15..10
By Richard Lee Esq ^r	29..19..11
By Col ^o Benjamin Tasker	84..18.. 8

666.. 5..0¼

U. H. J.
Liber No. 34
p. 91

To Money returned by the Justices of the following
Counties surplus of the Money they received to
Pay the 30/ p Taxable at the first emitting the
Paper Currency viz.

Talbot County £14..4..0	Anne Arundel County	} 205.. 0.. 0
£105..5..0	Somerset County £26..6..0	
Marys County £59..5..0	Saint	

To Money paid in by several Sheriffs for Ordinary
Licenses viz.

William Cartwright Sheriff of S ^t Marys County in the Year 1741 & 1742	£23..15.. 0
Gabriel Parker Sheriff of Calvert County in 1741, 1742, 1743	16..12.. 6
Sam ^l Smith Sheriff of Anne Arundel County 1742	59.. 7.. 6
John Hepburn Sheriff of Prince Georges County in 1741, 1742 & 1743	147.. 5.. 0
John Darnall Sheriff of Anne Arun- del County 1741	85..10.. 0
Doctor Porter Sheriff of Talbot County 1743	19..—..—
John Handy Sheriff of Somerset 1743	33.. 5.. 0
Gabriel Parker Sheriff of Calvert County	9..10.. 0
John Dennis Sheriff of Somerset County	14.. 5.. 0
John Thompson Sheriff of Cecil County	26.. 0.. 2
Thomas Muir Sheriff of Dorchester	11..17.. 0

446.. 7.. 8

To Money paid in by the several Sheriffs Assessed
by the Publick Levy Anno 1741 & 1742 viz.

Gabriel Parker Sheriff of Calvert County	28.. 1..11
W ^m Cartwright Sheriff of Saint Marys	40.. 0.. 7
John Hepburn Sheriff of Prince Georges County	104..14.. 1½
James Rigbee Sheriff of Baltimore	100.. 0.. 0
John Handy Sheriff of Somerset	126..14.. 4¾
James Rigbie Sheriff of Baltimore	47.. 5.. 7

446..16.. 7¾

£12992..15.. 1

U. H. J. Cr The Office for Emitting the Paper Money of Maryland from
Liber No. 34 7 of Mar. 1743 to the 10 of July 1745 inclusive

By Money lent on Interest since the 7 day of } 3592.. 0.. 0
March 1743 to 10 of July 1745

By Money paid his Excellency Thomas Bladen } 1482.. 9.. 4
Esq^r on Account of Building a Governors
House

By Money paid for repairing the Publick Build- } 63.. 0.. 0
ings in Annapolis

By Money paid Alexander Bunckle for Build- } 500.. 0.. 0
ing Worcester Goal

By Money paid the Comm^{rs} & Clerks Salaries } 400.. 0.. 0
to 23 April 1745

By Money paid for Office Expences as p par- } 19.. 9.. 6
ticulars

By Money paid Samuel Smith Sheriff for Costs } 6.. 1.. 4
which the Comm^{rs} expect will be Re-imbursed

By Ballance by Coined or signed } 4575..16..11
Money remaining in the Iron
Chest

By D^o by Money now destroyed } 2353..18.. 0
which the Comm^{rs} are to Coin
and replace out of the Books for
renewing torn and Defaced Bills

6929..14..11

£12992..15.. 0

Particulars of Office Expences referred to In the } 8.. 9.. 6
above Account Richard Dorsey for fire Wood
Paper Ink Powder and other Necessaries

p. 92 Ditto for Cleaning the Office } 10.. 0.. 0

Simon Duff for repairing the Office Table } 1.. 0.. 0

19.. 9.. 6

Memorandum

Money appropriated for several County Goals but } 1750.. 0.. 0
not issued or Applied

Remains Unappropriated of the af^d 89990 Principal } 5179..14..11

£6929..14..11

An Engrossed Bill from the Lower House by Mess^{rs} Ennalls and
Paca Entituled an Act for Limitation of Officers fees thus Sub-
scribed

26 September 1745

Read and Assented to by the Lower House of Assembly

Signed p Order W^m Tilghman Cl. Lo. Ho.

Read and Assented to by this House and Ordered to lie on the Table

U. H. J.
Liber No. 34

The following Message with the Bill for dividing Prince Georges County and the Bill for dividing Queen Anns and Dorchester Counties is sent by Edmund Jenings Esq^r

By the Upper House of Assembly 26 September 1745
Gentlemen

In Answer to your Message of this day by Mess^{rs} Sprigg and Hopper We are willing to Agree to the Amendments proposed to the Bill Ent^d an Act to divide Prince Georges County and to erect a new one by the name of Frederick County and a Bill entituled an Act to divide Dorchester & Queen Anns Countys and to erect a new one out of the Upper part thereof by the Name of Prince William County because We presume that before that time his Lordships Pleasure may be known with regard either to his dissent or Approbation

Signed p Order J Ross Ct Up Ho.

Read the second time the Bill entituled an Act for ascertaining the Allowances of Petit Jurors attending in the Provincial Court and to limit Costs with Respect to Evidences and will pass with the following Amendments & sent by Edmund Jenings Esq^r between the Words Cause, and two, in the last Line of the first Page, put, and many others who really know nothing of the Fact and are only summoned to enhance the Cost; after the Word Fact; in 4th Line of 2^d Page put these Words or any other Witness or Witnesses that shall appear to the Court to have been unnecessarily summoned

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

An Engrossed Bill from the Lower House by Mess^{rs} Hall & Pearce Ent^d an Act for ascertaining the Allowance of Petit Jurors attending the Provincial Court and to limit Costs with respect to Evidences, thus Subscribed

26 Sept^r 1745

Read and Assented to by the Lower House of Assembly

Signed p Order W^m Tilghman Ct Lo. Ho.

Read & Assented to by this House and Ordered to be so sub- scribed p. 93

Read the second time the Bill ent^d an Act for the Gauge of Barrells for Pork, Beef Pitch Tarr and Tare of Barrells for Flour and Bread, and passed with the following Amendments, to add Turpentine after the Word Tarr, in the Title and so throughout the Bill, and to insert a Clause to Limit the Time for commencing an Action

U. H. J. after the Offence is Committed, sent to the Lower House with the
Liber No. 34 following Message by Col^o Lloyd

By the Upper House of Assembly 26 September 1745
Gentlemen

We cannot help Observing that the Penalties & Forfeitures in the Bill ent^d an Act for the Gauge of Barrells for Pork Beef Pitch Tarr and Tare of Barrells for Flour and Bread are not appropriated to the Lord Propry as We think they ought to be but as they are very small in the Bill and that our Proceeding may be with as little Interruption or Difference as possible We shall not insist on any Amendment to this Purpose, tho' We hope this will never be drawn into or agreed as a Precedent

Signed p Order J Ross Ct Up Ho.

Three Engrossed Bills from the Lower House by Mess^{rs} Colvill & Wilkinson One Entituled an Act to divide Prince Georges County and to erect a new one by the Name of Frederick County An Act to divide Dorchester and Queen Anns Counties and to erect a new County out of the Upper parts thereof, by the name of Prince Williams County and an Act for laying out one Acre of Land convenient to Rock Creek Landing on Potomack River on the Land George Gordon now lives on for building a Rolling House thereon severally thus subscribed

26 September 1745

Read and Assented to by the Lower House of Assembly

Signed p Order W^m Tilghman Ct Lo Ho.

Read and Assented to by this House and Ordered to be so subscribed

Adjourned till to Morrow Morning nine of the Clock

September
27

Friday Morning 27 Sept^r 1745

This House met again according to Adjournment

Present as Yesterday

A Bill from the Lower House by Mess^{rs} Sheredine and Harris Ent^d an Act for the Relief of John Penny a languishing Prisoner in S^t Marys County Goal John Speak a languishing Prisoner in Charles County Goal, James Casteal a languishing Prisoner in Calvert County Goal, Bazil Brashier and Miles Coyle languishing Prisoners in Prince Georges County, Henry Bateman a languishing Prisoner in Anne Arundel County Benjamin Hammond a languishing Prisoner in Baltimore County, John Mackenzie a languishing Prisoner in Cecil County, John Pardo a languishing Prisoner in Kent County, Isaac Jones a languishing Prisoner in Queen Anns County Henry Lawrence a languishing Prisoner in Somerset County Edward Bounds a languishing Prisoner in Worcester County John Badcock

[Bounds is
called
Round on
pages 21
and 51
Badcock is
called
Bradock on
page 21]

and John Frazier languishing Prisoners in Talbot County thus U. H. J.
endorsed Liber No. 34

By the Upper House of Assembly 28 September 1745

Read the first time and Ordered to lie on the Table.

Signed p Order W^m Tilghman Ct Lo Ho.

By the Lower House of Assembly 27 Sept^r 1745

Read the second time and will pass

Signed p Order J Ross Ct Up Ho.

Read the first time in this House and Ordered to lie on the Table

An Engrossed Bill from the Lower House by Mess^{rs} Hall and Hopper ent^d an Act for the Gauge of Barrells for Pork Beef Pitch Tarr Turpentine & Tare of Barrells for Flour or Bread thus subscribed p. 94

27 September 1745

Read and Assented to by the Lower House of Assembly

Signed p Order W^m Tilghman Ct Lo Ho.

Read and Assented to by this House and ordered to be subscribed

Adjourned till to Morrow Morning Nine of the Clock

Saturday Morning 28 September 1745

This House met again according to Adjournment

September
28

Present as Yesterday

The following Message is sent with the Journal of Accounts by Samuel Chamberlain Esq^r

By the Upper House of Assembly 28 September 1745

Gentlemen

His Excellency has been pleased to acquaint us, that he has disbursed the sum of £918..14..6½ towards Building the house designed for a Governor over and above what he has received of the Money appropriated by Act of Assembly for that Purpose, and that he has laid an Account thereof before your House as We do not find any allowance made to him on that Account, in the Journal and that We think it just and reasonable he should be reimbursed We hope You will be of the same Opinion and therefore return the Journal that an Allowance be made accordingly

As We are not satisfied why you have only allowed part of the Secretaries Account in this and the last Session and part of the Governors Account in this Session We hope You will rectify Your Journal by allowing the whole thereof

And there are several allowances for the Quantities of Tobacco mentioned in our Message of 1 of June 1744 to the late Lower House of Assembly, which We think must now be high time to Insert in the Journal

U. H. J. We have Observed You have Omitted the fee of 1560th of Tob^o
Liber No. 34 due to the Chancellor which ought also to be included in the Journall
of Accounts

Signed ꝑ Order J Ross Ct Up Ho.

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Message from the Lower House by Mess^{rs} Worthington and
Pemberton with the Journal of Accounts

By the Lower House of Assembly 28 Sepr. 1745

May it please Your Honours

In Answer to your Message of this day by Samuel Chamberlain
Esq^r with the Journal of Accounts this House cannot agree to add
the sum of £918..14..6½ as desired by You for that it does not ap-
pear to this House ever to have been the design of the Legislature
Power of this Province to build a Governor's House by a Poll Tax
on the People

p. 95 As to the other matters ment^d in the said Message they have been
under the Consideration of this House heretofore in this and former
Sessions and not thought reasonable to be allowed in the Journal nor
can We now Agree to them Wherefore We again herewith send you
the Journal hoping the same will be Assented to by your Honours as
it now stands

Signed ꝑ Order W^m Tilghman Cl Lo. Ho.

The several Paper Bills the Originals of which have passed this
House are sent to the Lower House by Col^o Hammond

Ordered that the Clerk of this House receive the same fees on the
Private Bills passed this House this Session as are allowed by the
Lower House to their Clerk

The Journal of Accounts being read will not be Assented to and
sent by Sam^l Chamberlain Esq^r

Read the second time the Bill entituled an Act for the Relief of
John Penny a languishing Prisoner in Saint Marys County, John
Speak a languishing Prisoner in Charles County James Casteal a
languishing Prisoner in Calvert County, Basil Brashier and Miles
Coyle languishing Prisoners in Prince Georges County, Henry
Bateman a languishing Prisoner in Anne Arundel County Benjamin
Hammond a languishing Prisoner in Baltimore County, John Mac-
kenzie a languishing Prisoner in Cecil County John Pardo a lan-
guishing Prisoner in Kent County Isaac Jones a languishing
Prisoner in Queen Anns County, Henry Lawrence a languishing
Prisoner in Somerset County Edward Round a languishing Pris-

oner in Worcester County John Badcock & John Frazier languishing Prisoners in Calvert County and will not pass and sent by Col^o Lloyd

U. H. J.
Liber No. 34

Mess^{rs} King & Hall from the Lower House acquaint his Excellency that their House hath no Business before them

Col^o Plater is sent to the Lower House to acquaint the Speaker that his Excellency requires his immediate Attendance with the Lower House in the Upper House

The Lower House attend and by their Speaker present to his Excellency the following Bills viz.

N^o 1 An Act continuing an Act ent^d an Act for the speedy and effectual Publication of the Laws of this Province and for Encouragement of Jonas Green of the City of Annapolis Printer

2^d An Additional supplementary Act to the Act ent^d an Act for laying out and Erecting a Town at A Place called Long Point on the North side of North East River in Cecil County

3 A supplementary Act to the Act Entituled an Act to enable Commrs therein named to lay out forty Acres of Land into Eighty Lots for a Town on Indian River in Worcester County as also forty Acres of Land into eighty Lots at the head of Asseateague Creek at a Place commonly called the Trap for a Town

4. A supplementary Act to the Act entituled an Act appointing Commrs for dividing St. Mary's County into four Parishes and to erect that Part of All faith & King and Queen Parish lying in Charles County into a distinct Parish

5. An Act for laying out the Town anew commonly called Princess Ann Town in Somerset County

6. An Act to prohibit the raising of Swine and Geese in the Town of Cambridge in Dorchester County

7. An Act to empower and direct the Clerk of Ann^l County Court to enter and Record among the said County Records a Deed of Bargain & Sale from W^m Mitchell Edward Mitchell and Grace his Wife to Mordecai Moore deceased

p. 96

8 An Act to direct and empower the Clerk of Charles County to enter and Record among the said County Records a Deed of Bargain and Sale from James Connell & Ann his Wife to John Dunbarr of a Parcel or Land therein mentioned

9 A supplementary and Additional Act to the Act ent^d an Act for erecting a Town on the North side of Potapsco River in Baltimore County and for laying out in Lotts 60 Acres of Land in and about the Place where John Fleming now lives and to an Act entituled an Act for erecting a Town on a Creek divided on the East from the Town lately laid out in Baltimore County called Baltimore Town on the Land whereon Edward Fell keeps Store

U. H. J. 10. An Act to enable the Commissary General to enter and record
Liber No. 34 amongst the Records of his Office the last Will and Testament of Henry Staples deceased for the Purposes therein mentioned

11. An Act for Settlement of Lands therein mentioned on Francis Warren & the Heirs of his Body lawfully Begotten

12. An Act to direct and impower the Clerk of Prince Georges County to enter and Record among the Records of the said County a Deed of Bargain & Sale from John Nevill W^m Collyer and Thomas Bond to John Boyd of a Tract of Land therein mentioned

13. An Act for ascertaining the Allowance of Petit Jurors attending the Provincial Court and to limit costs with respect to evidence

14. An Act for laying out one Acre of Land convenient to Rock Creek Landing on Potomack River on the Land where George Gordon now lives on and for Building a rolling House thereon

15. An Act for the Gauge of Barrells for Pork Beef Pitch Tar and Turpentine and Tare of Barrells for Flour and Bread

All which his Excellency passed into Laws in the usual form by Sealing them with the Right Honourable the Lord Proprietarys Great Seal at Arms & subscribing them On behalf of the Right hon^{ble} the Lord Prop^{ty} of this Province I will this be a Law

The following Engrossed Bills were likewise presented to his Excellency by the Speaker viz.

An Act for laying an Imposition on Tobacco and other Commodities therein mentioned for the discharge of his Lordships Quit Rents & support of Governmn^t

An Act for the Trial of all matters of fact in the Several Counties where they have arisen or shall arise

An Act for the Limitation of Officers fees

An Act to divide Dorchester and Queen Anns Counties and to erect a new County out of the Upper Parts thereof by the name of Prince William County

An Act to divide Prince Georges County and to erect a new one by the name of Frederick County

Which his Excellency pleased to lay by as of them he would be advised & then made the following Speech

Gentlemen of the Lower House of Assembly

p. 97 My Duty to his Majesty and Zeal for his Service induced me to call you together near a Month sooner than the time to which you were prorogued in Expectation that You would have shewn Yourselfs by your Actions to be the dutiful and Loyal Subjects which you have professed yourselfs on every Occasion by making a speedy Provision proportioned to the Circumstances of this Province towards the Defence and security of his Majestys Garrison at Louis-

burgh, I had every Reason to be perswaded that You would have followed the Example of all the neighbouring Colonies & chearfully embraced so favourable an Opportunity to demonstrate to all your fellow Subjects that Your Loyalty did not consist in bare Professions only, and that nothing might interrupt you in the discharge of your Duty on that Occasion I acquainted you in my Speech when We met that I would not propose anything else to your Consideration till We should have discharged Our Duty on the Point which brought Us together, In your Address which by the Bye is in a Stile remarkable in itself and peculiar to some Penman in Your House, you gave me the strongest Assurance of your Loyalty to his Majesty and zeal to the common Cause according to your usual Custom, In these professions I am perswaded many in your House were sincere and spoke the Real Sentiments of their Hearts and every man who wishes well to his Country cannot but lament that the Influence of a few designing Men who have nothing less in their View than the Public Welfare should divert the honest and well meaning from the pursuit of what may be of real Advantage to the People they represent, if these Men had discovered themselves by openly declaring against doing any thing for his Majestys Service or discharging the Duty of Loyal Subjects I am sure they would have met with the Contempt from a Majority of your House which such a Behaviour would have justly deserved In his Situation therefore these most Dutiful and Loyal Liege Subjects thought it their best Policy to be very lavish of and loud in their usual Professions of Zeal for his Majestys Services that they might have an Opportunity the better to impose on those who meant well & Obstruct every thing that should be proposed for the Good of that Service they were met upon In View of effecting this Scheme a Committee was appointed to Consider of Ways and Means to raise Money to supply the Garrison of Louisburgh then a Bill framed wherein to furnish a Pretence for spending the time a very long Act was needlessly recited and the Bill itself so contrived as to render the Execution of it very difficult if not impracticable and entirely useless to the Purposes designed by it in doing this the time was taken up from the 5th to the 20 of August and that it was thus mispent with intent to render the supply which ought to have been given immediately of no real Use if the more favourite Scheme of making a Provision at all should not succeed is evident to me and I think must appear so to every one who is acquainted with the Circumstances of the Country as every Man who is so cannot but know that the only way of raising Money immediately was by taking it out of the Paper Money Office where it lay ready and which might have been done in a day or two as well as Months or Years and wherein no time ought to have been lost, because the Nature of the service required the utmost dispatch and the means of replacing the Money might have been considered and provided for at Leisure but lest these Contrivances should not have

U. H. J.
Liber No. 34

U. H. J. the intended Effect another Expedient was thought of to clog the
 Liber No. 34 Bill with a Tack quite foreign to the Subject matter of it and as an
 Apology was necessary for the Absurdity of such a Proceedure all
 possible Art is used to possess as many as could be imposed on that
 an Agent was absolutely necessary for the Country, that the Critical
 time for obtaining one was now come, and that the Upper House
 dared not to give their Negative to a Bill which had the Appearance
 of being for his Majestys Service Notwithstanding the Impropriety
 p. 98 of the Tack this Notion was industriously Inculcated even after the
 Upper House had refused to pass the Bill & Assurances confidently
 given that altho the Upper House had refused to pass the Bill yet that
 they dared not persist in such refusal if it was sent to them again
 these Artifices unhappily prevailed on a Majority of your House
 to admit of no Amendments and to resolve that no other Bill should
 be brought in thus the time was lost till it was too late to do any
 thing Concerning the supplies and thus all the Professions of Loyalty
 to his Majesty & Zeal for the Common Cause vanished After this
 a most extraordinary and unheard of Step is taken by your House
 concerning Governor Shirleys Letter to me which You Ordered to
 be Printed without my Consent or any Application to me for that
 Purpose which in the Case of private Persons would have been a
 plain Breach of all the Rules of Decency and good manners and
 might in this Instance if Care had not been taken to prevent Your
 Orders being carried into Execution have given his Majestys Ene-
 mies such Intelligence as would if the Wickedness could be as plainly
 proved as the Weakness of such a Step, have made the Authors
 guilty of high Treason, but according to your Opinion it is a fun-
 damental Privilege of your House to publish what you please, be
 the Consequence what it will, it may not perhaps be amiss in this
 Place to take Notice of the Agent who is represented to be so neces-
 sary and of such Importance that his Majestys Service must be
 sacrificed to an Attempt to Obtain one, and who was not to be an
 Agent for the Province in General nor was the Governor or Council
 to have any Share in the Nomination or Direction of the Person nor
 in the Application of any part of the Money intended to be raised for
 his support but this Agent to use your own Words as well to keep
 up a Congratulatory Correspondence of praise and thanks for the
 blessings you the Kings remote Subjects receive from his Majesty
 as on every Occasion by Oppressions & Hardships laid on you, in
 humble and decent manner to lay your Complaints before his Maj-
 esty. But the Governor and Council must be excluded from this
 Correspondence and not allowed to join either in the Congratulations
 or thanks Pray Gentlemen let me ask you whether any Lower House
 of Assembly in America have such an Officer allowed them exclusive
 of the Governor & Upper House

The Money for this Agent was to be raised on the People and ap-
 plied to such Uses, as the House of Delegates only in the Plentitude

of that Power which You have declared in a Message and Resolution you are invested with shall think fit A Power which the House of Commons in England makes no Claim to, And to Obviate any Pretence of representing it in a wrong Light I will use your own Words in your Message wherein You declare you conceive it to be the undoubted Right of the House of Delegates alone to raise upon the People of this Province any Sum of Money or other Tax and for such time and in such manner and to be applied to such uses as that House shall think proper, And You have likewise resolved that it is the undoubted right of the House of Delegates to raise on the People of this Province any sum of Money or other Tax and for such time and in such manner and to such uses and Purposes as to them shall seem proper this is a stretch of Power unknown to a British Constitution and by what Authority or upon what Pretensions You have made it Yourselves only can tell if this Project of an Agent should ever succeed it would answer a very necessary purpose to the Province viz^t furnishing a very plausible pretence of rendering no Account of considerable sums, amounting as I am informed to above four hundred Pounds ster^t raised several Years since by private Subscriptions on pretence of defraying the Expence of bringing some Complaints which the County has been long amused and inflamed with to a decision in England and altho much less than half the Money already subscribed would have been Sufficient for the end to which it was pretended to be Raised not one single Publick Step is yet taken to bring the Complaints to any issue or Determination, nor is it to be imagined by any sensible Man who will make Use of his Reason that the Managers ever intended there should be any Determination of them During these Transactions and this Waste of time in your House the People without Doors were Exasperated that no Supplies were given for the Defence of Louisburgh as well as at the Probability that no Business would be done and that the Country would be run to a great and fruitless Expence which Alarmed the Managers and made them think it necessary to endeavour to Pacify them to this end an Inclination is dissembled to Carry on the Publick Business and a Conference was proposed to the Upper House to settle Officers Fees, which was readily agreed to and Conferees appointed to these some Members of your House were joyned who had for several Years industriously endeavoured to inflame and keep up the unhappy differences which have too long subsisted in the Country wherein they have been but too successful this Choice of your Conferees gave every Man who was anxious for and sincerely wished the Publick Welfare a very bad Prospect of the Event and these Gentlemen acted as it was Expected & foreseen tho' they behaved plausibly for some time in View as I have Reason to believe to gain time to send me two unmannerly Addresses one about the Pound of Tobacco ^p taxable Levied in Virtue of the

U. H. J.
Liber No. 34

p. 99

U. H. J. Militia Law which tho' it was evidently in force as any Law in the
 Liber No. 34 Country Yet a Majority of your House were deluded into a Belief
 that it did not exist, but was expired many Years since, merely to
 have a Pretence to abuse a lawful Act of the Governm^t And the other
 about fines and forfeitures in hopes of Provoking me to resent such
 treatments as it really deserved & thereby to obstruct all Publick
 Business but when this Scheme failed of Success the Gentlemen
 pulled of the Mask and Acted in Characters manifesting by their
 Conduct that they dreaded nothing more than that the minds of the
 People should be quieted and all pretence of uneasiness removed,
 as being Conscious to themselves that they would soon appear in
 their proper Colours & lose that influence over the People which has
 actually Cost the Country above ten thousand Pounds of this Cur-
 rency and to the Continuance of which pernicious Influence every
 desirable thing for the Peoples happiness was to be sacrificed, this
 appeared so evidently that Your House appointed another Confer-
 ence and chose new Conferees who with those of the Upper House
 soon settled every thing to the mutual Satisfaction of every Body
 wherein so many and great Concessions were made by the Upper
 House as exceeded the hopes of the most sanguine among You the
 uneasiness which these Proceedings Occasioned in the Gentlemen
 who opposed them was too manifest to be Concealed they then made
 use of all the Artifices and false suggestions to defeat every step that
 could be taken to Establish a happy Union between the Governm^t
 and People and shewed the firmest Resolution and most unwearied
 Application to sacrifice the Repose happiness and Interest of their
 Constituents to the Pride and Wicked Ambition of being Leaders
 of a Party I cannot omit mentioning to You Abuse of Power which
 you exercised in a most Extraordinary manner which was such in
 turning out Members of your House who were duly returned upon
 pretence of an undue Election but against whom no Petition was
 offered, And in another Instance You proceeded Contrary to the
 Practice & Determination of your own House in the like Case and
 in the face of an Express Act of Assembly these Proceedings would
 have laid me under the necessity of immediately putting an end to a
 p. 100 Power so unwarrantably exercised if the supplies for Louisburgh
 Garrison and other supplies for the quiet and happiness of the Prov-
 ince had not these been under Your Consideration I cannot avoid
 another Observation that you have refused the Yeas and Nays to be
 taken on several Questions contrary to a standing Rule of your
 house and you have against all Parliamentary Proceedings hindred
 Motions & Questions to be entred on your Journal which could pro-
 ceed from no other Motive than a Conviction that your Proceedings
 were such as you were unwilling to submit to the Censure of your
 Constituents not content with these Extraordinary Steps you have
 been pleased to assume and Usurp an Arbitrary Power over his
 Majestys Subjects in sending for Magistrates keeping them in Cus-

tody and burthening them with Changes on Complaints made to Your House that they had misbehaved not through Corruption but if at all by mistake in point of Judgment and the matters were no way relative to your Priviledges and consequently you had no Colour or Pretence of legal Authority to interpose thus Your House in a Judicial as well as Legislative Power by pretending to raise Money when and how you please to call whom you please Before you and to give Arbitrary Judgments in defiance of all Reason & Magna Charta it self and however illegal iniquitous and unjust your Judgments may be the unhappy sufferer has no Remedy but must submit this is an extensive Power with a Witness and no doubt a very desirable one to men whose Ambition it is to make their own Will the only Rule of their Conduct and which you may be Assured I should immediately have taken notice of in support of Magistracy and the due Execution of the Laws if I had not been prevented by the same Reasons as before influenced me with regard to your Determination on the Elections

U. H. J.
Liber No. 34

However when by my stifling all Resentments at these unheard of Proceedings and by the Moderation of the Upper House these Laws the most advantageous and desirable to the People were prepared and every thing was in a fair Way of being finished which could contribute to their Happiness, you have rather Chose that they should lose the Advantage of what was proposed to be done than that some Provision should be made for the defence of the Country, notwithstanding the dangers with which it is surrounded in this time of War and after you have taken all the Care and Pains in your Power to publish the weak defenceless Condition it is in and the very Representatives who have been so strenuous in their Endeavours to Burthen the people with 2^d π hhd on Tobacco to support an Agent as above ment^d Absolutely refuse to give or raise any thing towards the defence of the Lives and Fortunes of their Constituents or Consent that One hundred Pounds should be taken out of a Sum already raised as a present for the Indians agreeable to the Examples of the Governments of New York Pennsylvania & Virginia at a time when it is so necessary to keep the Friendship of that People, What other Interpretation can be put on this Behaviour but that either you are desirous the Province should be exposed to the common Enemy or unwilling your Constituents should have the Benefit of the several Beneficial Laws prepared for my Assent In the first Light You must stand Condemned by every dutiful Fellow Subject and for the last your Constituents have no Reason to thank you however you may have answered the Wishes of some among you which was to bring myself under a difficulty how to Act my Duty to his Majesty & Care for the Safety of the whole Province were on one side of the Question and my Earnestness for the Quietness and Ease of the People on the other these last I believe would have determined me if I had

U. H. J. not reflected I must have appeared inexcusable to his Majesty now
 Liber No. 34 and even to Yourselves hereafter if I suffered any Motive to be
 Weakned or rendered ineffectual which might engage a Lower
 House of Assembly to a due Consideration of so just and necessary
 a Point as a Fund for Defence of the Province at this dangerous
 Time and for that Reason I have Refused my Assent to those favour-
 ite Bills so much desired by the People and so conducive to their
 Happiness which You their faithful Representatives and true Lovers
 of Your Country have deprived them of and by this fair Represent-
 ation your Constituents will Judge who the Blame of this unsucces-
 ful long Session ought to be imputed to,

Upon the whole Gentlemen Your Conduct through this Session
 takes from me the Liberty of meeting this Lower House again and
 therefore with the Advice of his Lordships Council of State I do
 Dissolve this present General Assembly and You are to take Notice
 you are dissolved accordingly

Thus ends this Session of Assembly this 28 day of September in
 the 31st Year of his Lordships Dominion Annoq Domini 1745

J Ross Cl.

PROCEEDINGS OF THE LOWER HOUSE OF ASSEMBLY

At a Session of Assembly begun and held at the City of Annapolis, on Monday the fifth Day of August 1745, and in the thirty first year of the Dominion of the Right Honourable Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore &c. His Excellency Thomas Bladen Esq^r being Governor, the following Members appeared in the Lower House of Assembly, viz.

L. H. J.
Liber No. 46
August 5
p. 445

For St. Mary's County

Capt. Zachariah Bond
M^r Samuel Abell
M^r Abraham Barns
M^r James Mills

For Kent County

M^r George Willson
M^r John Gresham
M^r Richard Gresham
M^r Matthias Harris

For Anne Arundel County

D^r Charles Carroll
M^r Philip Hammond
M^r Thomas Worthington
Major Henry Hall

For Calvert County

M^r James John Mackall

For Charles County

M^r Bayne Smallwood
M^r John Courts
Capt. Richard Harrison

For Somerset County

William Stoughton Esq^r
Col. Robert King
Capt. David Willson
Capt. John Dennis

For Talbot County

M^r Nicholas Goldsborough
M^r Robert Lloyd
M^r William Thomas
M^r John Goldsborough

For Dorchester County

Col. Henry Hooper
Capt. Bartholomew Ennalls
M^r Daniel Sullivane

For Cecil County

M^r Joshua George
Col. Thomas Colvil
Capt. Nicholas Hyland
M^r Benjamin Pearce

For Baltimore County

Major Thomas Sherredine
M^r John Paca
Col John Hall
D^r George Buchanan

For Prince Georges County

Col. Edward Sprigg
M^r Turnor Wootton
Capt. John Addison

For the City of Annapolis

Capt. Robert Gordon
D^r George Stuart

For Queen Ann's County

M^r Thomas Hammond
Capt. William Hopper

For Worcester County

Col. John Henry
Capt. John Purnell

L. H. J. A sufficient number of Members to compose a Lower House of
Liber No. 46 Assembly, being met at the Stadt House, Col. King and Col: Colvil
were desired to acquaint His Excellency therewith.

George Plater Esq^r and Col. Hollyday of the Upper House, and
M^r John Ross Clerk, came into the Stadt House, in whose Presence
the aforesaid Members took the several Oaths to the Government
required by Law, signed the Oath of Abjuration, and repeated and
signed the Test.

Edmund Jennings Esq^r and Col. Hammond, from the Upper
House, acquaint the members of this House that the Governour re-
quired their Attendance in the Upper House.

The members of the Lower House went to the Upper House;
His Excellency required them to return and make Choice of a
Speaker: They returned, and unanimously made Choice of Col.
Edward Sprigg, a Representative of Prince Georges County, to be
their Speaker; and placed him in the Chair.

Col. King, and Col, Colvil are sent to acquaint His Excellency,
that this House hath made Choice of a Speaker

Col. Hammond, and Col. Lloyd, from the Upper House, acquaint
this House, that the Governour requires their Attendance in the
Upper House, to present their Speaker.

p. 446 The Members of the Lower House went to the Upper House, and
presented Col. Edward Sprigg to the Governour, as their Speaker;
His Excellency gave his Approbation of their Choice, and then made
the following Speech. (See page 2)

The Members return to their House, and M^r Speaker resumes the
Chair.

On Motion that a Clerk to the Lower House be made Choice of.
M^r Tilghman, M^r Denton, and M^r Hanson, are severally proposed
for that Office; and the Question being put, whether the House will
make Choice of M^r Tilghman? it was resolved in the Affirmative.

M^r Nicholas Goldsborough and Col. Henry are ordered to acquaint
his Excellency with their Choice of a Clerk, and to desire his Appro-
bation thereof: They return and acquaint M^r Speaker they delivered
their Message, and that the Governour was pleased to approve of
the Choice.

M^r Nicholas Goldsborough and Col. Henry are sent to the Upper
House to see M^r Tilghman qualified, as Clerk of this House: They
return and acquaint M^r Speaker, that they saw the Clerk take the
several Oaths to the Government required by Law, sign the Oath
of Abjuration, repeat and sign the Test, and take the following Oath
of Office:

You William Tilghman do swear, that as Clerk of the Lower
House of Assembly, you shall true Entries make of all such Matters
and Things, as by the Honourable Speaker for the Time being, and

that House, shall be to you directed, the Secrets of the said House you shall not divulge to the Prejudice of the House, or any Member thereof, but shall in all Things, as Clerk to the said House, well and truly demean your self, according to the best of your Knowledge. So help you God. L. H. J.
Liber No. 46

Mr Speaker communicates to the House the Letter refer'd to in the Governour's Speech, from Governour Shirley of New England, which was ordered to be read, and is as followeth.

Boston July 3. 1745

Sr I have now the Pleasure to send your Honour by Express the News of the Reduction of Louisburg to the Obedience of his Majesty, & the Surrender of it accordingly; but to maintain our Conquest there which is of the utmost Importance, will require the Assistance of all his Majesty's Colonies & Provinces in North America for furnishing Men Ammunition and Provisions for Garrisoning and defending the Place 'till his Majesty shall order Troops from Great Britain or otherwise signify his Pleasure in this Affair. And I apprehend this to be the most critical Juncture for securing it from the Attempts of the Enemy to recover it, For it cannot be doubted, but that the French King will soon send a strong Force both of Ships & Troops to reduce it, before we can well be secured in the Possession of it; And you may reasonably Iudge that this Province is already drained of Men, Provisions, and Ammunition: However we are still so heartily engaged in this Service that we have lately sent four hundred Troops who I suppose arrived at Louisburg since the Surrender of it, besides upwards of sixty Seamen for Manning his Majesty's Ship Vigilant & have about two Hundred Soldiers more embarked and ready to embark whom I shall get away with all possible Dispatch, And I cannot but hope your Honour and the General Assembly of Maryland will in Duty to his Majesty & in Regard to the common Interest of all his Subjects in North America make Provision for the raising a number of Soldiers immediately for this Service & have them transported without Delay, and likewise give Orders for the taking up and purchasing all the Gun Powder and Provisions that can be got for the Garrison at Louisburg & the Ships employed there, of both which they are in want, as the General & Commodore inform me as also Provisions for the French Prisoners to be sent Home to France. And as this will require a vast Quantity of Provisions especially. It is my Opinion that no Provisions ought to be allowed to be shipped off from the Plantations where they are raised, to the West Indies, or any foreign Parts whatsoever till this want be supplied, It will likewise be requisite that all the Gun Powder that can be found in your Province, except what may be absolutely necessary for your own Defence, should be secured for his Majesty's Service, and I should think if your Honour will employ some Merchants in

L. H. J. your Place for the purchasing of the Powder who will be able to
 Liber No. 46 find it out better than your own Officers, it will be most likely to be
 furnished with a good Quantity of it of which this Province is
 almost entirely exhausted, having sent off for the Expedition ag^t
 Louisburg about twelve Hundred Barrels, & I hope you will consider
 that both the Garrison & Ships will want a considerable Supply

I am with great Regard Sir

Your Honours most obedient humble Servant

W. Shirley

The House appoint M^r Thomas Jobson Serjeant at Arms, and
 Thomas Sparrow Door Keeper, and ordered that Robert Gordon
 Esq^r administor to them the several Oaths to the Government re-
 quired by Law, and the Oath of Office.

The House adjourns until the Morrow Morning 9 of the Clock.

August 6

Tuesday morning, Aug. 6th 1745

The House met according to Adjournment. All members present
 as Yesterday. The Proceedings of yesterday were read.

Capt. Gordon acquaints M^r Speaker, that M^r Thomas Jobson
 Serjeant at Arms, took the several Oath to the Government required
 by Law, signed the Oath of Abjuration, repeated and signed the Test,
 and that he took the following Oath of Office, viz.

You Thomas Jobson do swear, that you will faithfully, diligently,
 and honestly discharge the Office of Serjeant at Arms to the Lower
 House of Assembly; and that you shall not disclose or reveal the
 Secrets thereof. So help you God.

Capt. Gordon likewise acquaints M^r Speaker that Thomas Spar-
 row Door Keeper to the House, took the several Oaths to the Gov-
 ernment required by Law, signed the Oath of Abjuration, and
 repeated and signed the Test, and that he took the following Oath
 of Office viz.

You Thomas Sparrow do swear, that you will faithfully, dili-
 gently and honestly discharge the Office of Door Keeper to the Lower
 House of Assembly; and that you shall not disclose or reveal the
 secrets thereof. So help you God.

Resolved, That the Hours of sitting, this Session, be from 9 to 12
 in the morning, and from 2 to 5 in the Afternoon.

The House proceeds to appoint the following Committees, viz.

Doctor Carroll, M^r George, Col. Colvil, M^r Stoughton, M^r Philip
 Hammond, M^r Robert Lloyd, M^r Nicholas Goldsborough, Col.
 Hooper, and Major Henry Hall, a Committee of Laws

M^r George Willson, M^r Smallwood, M^r Worthington, M^r John
 Gresham, M^r John Goldsborough, Capt. Ennalls and M^r Courts, a
 Committee of Elections and Privileges.

M^r Stoughton, M^r George Willson, D^r Carrol, M^r Nicholas Goldsborough, M^r Pemberton, M^r Richard Gresham and M^r Paca, a Committee of Aggrievances and Courts of Justice. L. H. J.
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Col. King, M^r Wootton, Major Sherredine, M^r Worthington, and D^r Buchanan, a Committee of Accounts.

M^r Wootton, Major Henry Hall, M^r Thomas, M^r John Gresham, Col Hooper, Capt. David Willson, and Capt. Addison, a Committee to enquire into the State and Condition of the Arms and Ammunition, and Accounts relating thereto.

Col. Colvil, Major Sherredine, M^r Pemberton Col. Henry, and M^r Barns, a Committee to inspect the Accounts and Proceedings of the Commissioners for emitting Bills of Credit established by Act of Assembly.

M^r Wilkinson and M^r Pemberton, returned Members for Queen Ann's County, and Capt. Selby and Capt Outten Members returned for Worcester County, appear in the House. Col. Henry and M^r Thomas Hammond, are ordered to go with them to the Upper House, and see them qualified.

Col. King, from the Committee of Accounts, acquaints M^r Speaker, that the Committee had made Choice of M^r Richard Dorsey for their Clerk. The House approves of the Choice

M^r Wootton from the Committee to inquire into the State & Condition of the Arms and Ammunition, and the Accounts relating thereto, acquaints M^r Speaker that the Committee had made Choice of M^r Thomas Jennings for their Clerk. The House approves of the Choice.

William Stoughton Esq^r from the Committee of Laws, acquaints p. 448 M^r Speaker that the Committee had made Choice of M^r Vachel Denton for their Clerk. The House approves the Choice.

Major Henry Hall is ordered to qualify M^r Richard Dorsey, M^r Thomas Jennings, and M^r Vachel Denton, the above mentioned Clerks.

Major Hall acquaints M^r Speaker, that he had administred the several Oaths to the Government, to M^r Richard Dorsey, M^r Thomas Jennings, and M^r Vachel Denton, and that they had signed the Oath of Abjuration, repeated and signed the Test, and had taken the following Oath of Office, viz.

You A B do swear that as Clerk to the Committee of . . . you shall true Entries make of all such matters and Things, as by this Committee, for the Time being shall be to you directed; the secrets of the said Committee you shall not divulge, to the Prejudice of the said Committee, or any member thereof, but shall in all Things, as Clerk to the said Committee, well and truly demean yourself according to the best of your Knowledge. So help you God.

L. H. J. Col. Henry, and M^r Thomas Hammond, acquaint M^r Speaker,
 Liber No. 46 that they saw M^r Thomas Wilkinson and M^r Grundy Pemberton,
 members returned for Queen Ann's County; and Capt. Selby and
 Capt. Outten, members returned for Worcester County, qualify them-
 selves by taking the several Oaths to the Government required by
 Law, signing the Oath of Abjuration, and repeating and signing
 the Test. The Gentlemen take their Seats in the House.

The House approved the following Rules, and ordered that they
 be observed this Session.

[See L. H. J. 1. That no Member of this House shall use any reviling Speeches,
 for 1742] or name any member by his proper name, otherwise than for Dis-
 tinction's sake; but shall rather use some other Signification, as the
 Gentleman that Spoke last, or the like.

2. That no member speak above once at the reading of any Bill
 or Debate, without License of the Speaker and the House; and if
 two Persons, or more, shall rise up together, the Speaker shall ap-
 point who shall speak first, and no member shall interrupt any other
 until the Gentleman speaking hath ended.

3. That none shall deliver his Opinion, or speak to any Bill or De-
 bate, unless he shall stand up and reverently direct his Speech to the
 Speaker.

4. That every Bill proposed to the House shall be read two several
 Days before it is sent to the Upper House, and once after, before it
 be engrossed; and that between every Reading one Day shall be
 intermitted, and that in that Time the Bill be laid on the Table for
 the Perusal of all the members; unless, on very urgent Occasions,
 M^r Speaker, with the Consent of the House, shall dispense there-
 with; and then one Bill being read twice at one sitting, shall be as
 sufficient as if read several Days, when so enter'd in the Clerk's
 Journal.

5. That no Person shall come into the House of Assembly, whilst
 the same is sitting, with Sword or other Weapon, upon Penalty of
 such Fine as shall be imposed on them by the Speaker, not exceeding
 five Shillings for any offences.

6. That if any Member bound to attend this Assembly, shall be
 absent at the Hours and Place appointed after the number of twelve
 of the Members with the Speaker are met, according to the Order
 for sitting, [he] shall be fined according to the Discretion of the
 Speaker, not exceeding five Shillings for any Offence; unless upon
 such lawful Excuse as the Speaker shall admit of.

7. All misdemeanors which shall happen in the House, shall be
 censured and fined by the House.

8. That no Bill shall be read at any Time during this Session,
 'til all the Members in Town be called in; except on some Excuse
 to be admitted by the Speaker.

The following Resolves, Ordered to be entered as the Resolves of this House

L. H. J.
Liber No. 46

Resolved by the House, That the Members who are appointed as Members of the Committee of Aggrievances, have likewise the Character of a Committee for Courts of Justice, and that that Character, and the Duty of such Committee, be annexed to the said Committee of Aggrievances as a standing Part of their Duty. And that it be an Instruction to the said Committee, as a Committee of Courts of Justice, that they observe the nature of all the Commissions to the several Courts of Judicature within this Province, and that they especially observe any Alterations that may at any Time happen by accidental Omission, or otherwise, therein: and particularly relating to such Words therein, as require the several Judges and Justices to Hear, Try and Determine, according to the Laws, Statutes, Ordinances, and reasonable Customs of England, and of this Province, or to such other Words as have Relation thereto, and that they shall immediately make Report to the House of any Alteration that shall at any Time happen in such Commission, and likewise to have Regard as near as may be to observe wherein they differ from the Forms of the several Sorts of Commissions to the Judges and Justices in England. p. 449

Likewise Resolved, That it be an Instruction to the said Committee, inspect the Form of the Oaths of Office, that have been and now are usually taken by the several Magistrates; and that in Case the following Clause be not inserted in the said Oath, it be reported to the House, such Clause being agreeable to the Oath taken by the Judges in England, and resolved to be necessary here; Viz.

To do equal Law and Right to all the Kings Subjects, rich and poor, and not to delay any Person of common Right, for the Letters of the King, the Lord Proprietary, or of any other, or for any other Cause; but if any such Letters come to them, they shall proceed to do the Law, the same Letters notwithstanding.

And that a Copy of these Resolves be made and given to the said Committee, when they first go out every Session, and that making and giving such Copies be the undoubted Duty of the Clerk of this House, and within the Purview of his Oath.

Resolved also, That this Province is not under the Circumstances of a conquered Country, that if it were the present Christian Inhabitants thereof would in be in the Circumstances, not of the conquered, but of the Conqueror, it being a Colony of the English Nation, encouraged by the Crown to transplant themselves hither, for the sake of improving and enlarging it's Dominions; which by the Blessing of God upon their Endeavours, at their own Expence and Labour has been in great measure obtained: And 'tis unanimously Resolved, that whoever shall advance that his Majesty's Subjects, by such their Endeavours and Success have forfeited any Part of their

L. H. J. English Liberties, are not well-wishers to the Country, and mistake
 Liber No. 46 its happy Constitution.

[Qy. admitted] Resolved also, that if there be any Pretence of Conquest, it can only be supposed against the native Indian Infidels, which Supposition cannot be omitted, because the Christian Inhabitants purchased great part of the Land, they at first took up from the Indians, as well as from the Lord Proprietary, and have ever since continued in an amicable Course of Trade with them; except some partial Outrages and Skirmishes, which never amounted to a general War, much less to a general Conquest; the Indians yet enjoying their Rights and Privileges of Treaties and Trade with the English, of whom we yet frequently purchase their Rights, of such Lands as we take up, as well as of the Lord Proprietary.

Resolved further, That this Province hath always hitherto had the Common Law, and such general Statutes of England, as are securitative of the Rights and Liberties of the Subject; and such Acts of Assembly as were made in the Province, to suit its particular constitution, as the Rule and Standard of its Government and Indicature; such Statutes and Acts of Assembly being subject to the like Rules of Common Law, or equitable Construction, as are used by the Iudges in construing Statutes in England: Which happy Rules have by his Majesty and his Royal Ancestors, and also by his Lordship and his noble Ancestors, or some of them, been hitherto approved, by having the Commissions of Judicature, to include Directions of that Nature to the several Iudicial magistrates; unless those Words have at any Time been casually or carelessly omitted by the Officers in this Province, that drew such Commissions.

Resolved. That the Subject matter of Governour Shirley's Letter, communicated to this House, be taken into Consideration to morrow morning.

Mr Brome, a returned member for Calvert County, appears in the House, Mr Wootton and Mr Mackall are sent to the Upper House to see him qualified: They return and acquaint Mr Speaker that they saw him qualified by taking the several Oaths to the Government required by Law, signing the Oath of Abjuration and repeating and signing the Test. The Gentleman takes his Seat in the House.

Ordered, that Mr Worthington acquaint the Reverend Mr Gordon with the Request of this House to read divine Service at the Hour of Seven in the morning, and five in the Afternoon during this Session.

The Gentleman acquaints the House that the Rev^d Mr Gordon will comply with their Request.

The House adjourns until 2 of the Clock in the Afternoon

Post Meridiem

L. H. J.
Liber No. 46
p. 450

The House met according to Adjournment

The following message. (See page 3)

Was sent to the Upper House by Maj. Sherredine and M^r Barns.

Upon reading the Petition of M^r Stephen Bordley complaining of an undue Election and Return for the City of Annapolis

Resolved, That the merits of the said Election be heard at the Bar of the House, and that this House will proceed thereupon on Friday next.

And Ordered, that the sitting member and the Petitioner, exchange Lists of the controverted Votes, and that those Lists be confined to such Votes as were objected to on the Scrutiny, at the Time of Election, and State the Objection against each Vote that they design to insist upon.

Richard Lee Esq^r from the Upper House, delivers M^r Speaker the following Message. (See page 4)

William Stoughton Esq^{re} from the Committee of Aggrievances and Courts of Justice, informs M^r Speaker that the Committee had appointed M^r Edward Dorsey, their Clerk. The House approves the Choice. Major Henry Hall is ordered to qualify M^r Edward Dorsey, as Clerk to the Committee of Aggrievances and Courts of Justice.

Major Hall acquaints M^r Speaker, that he had qualified M^r Edward Dorsey, by administring to him the Oaths to the Government, causing him to sign the Oath of Abjuration, to repeat and sign the Test, and take the Oath of Office.

M^r Green, Printer, is permitted to print the Votes and Resolves of this House, at the Allowance usually made.

The House adjourns until the Morrow Morning 9 of the Clock.

Wednesday Morning, August 7. 1745.

August 7

The House met according to Adjournment. All Members present as yesterday. The Proceedings of yesterday were read.

William Stoughton Esq^r brings in an Address to the Governour, on his Speech, which was read, approved of, and ordered to be engrossed.

Resolved, That the Sum of two Thousand Pounds Current money of this Province, shall be raised and applied to his Majesty's Service, to be laid out in Provisions for Support of his Majesty's Garrison of Louisburg at Cape Breton; and that Col. King M^r Wootton, Maj^r Sherredine, M^r Worthington D^r Buchanan, M^r Philip Hammond, and D^r Carroll, be a Committee to find out proper Ways and Means, how the said Sum shall be raised; and that they make their Report thereof to this House

The House adjourns until 2 of the Clock in the Afternoon

L. H. J.
Liber No. 46

Post Meridiem

The House met according to Adjournment

The following engrossed Address to his Excellency the Governor, viz.

To his Excellency Thomas Bladen Esq^r Governour of Maryland.

The Humble Address of the House of Delegates of the said Province

May it please your Excellency

p. 451 We his Majestys most dutiful and loyal Subjects, the Delegates of the Freemen of Maryland in this present General Assembly convened, take leave to acknowledge the Favour of your Excellency's Speech at the Opening of this Session; and your Goodness in communicating to us Governour Shirley's Letter, whereby we have the pleasing news of the Reduction of Louisburg on Cape Breton to his Majesty's Obedience; An Acquisition of the greatest Consequence to, and which does Honour to the Northern Colonies, who, tho' they in Conjunction with a Part of his Majesty's Navy have obtained the Glory of taking, may yet, without some present Assistance from the neighbouring Governments, be incapable of holding that important Conquest; as it is not doubted but the French King, our common Enemy, will with a suitable Force, endeavour to regain it. We shall therefore, to manifest our unfeigned Duty and Loyalty to His Majesty (altho' by his gracious condescension exempted from the least Demand,) proceed to raise such a Support for the protecting and securing the City of Louisburg against any Attempt of the Enemy, in such manner as the indigent Circumstances of our Constituents will admit: And shall likewise, for Dispatch, allow this Proceeding the first place in our Consultations; and in Compliance with our Duty, also carry on with due order and Circumspection, every other Branch of Business that lays properly before us, altho' not recommended by your Excellency: And act and do in every Respect, the Duty of good Subjects, faithful Representatives, and true Lovers of our Country.

Being prepared, was ordered, on Behalf of the House, to be signed by the Honourable Speaker; which being done, Ordered, That Col. King, and Major Henry Hall acquaint his Excellency that this House hath prepared an Address to his Excellency, on his Speech, and desires to know when and where he will be pleased to receive it: They return, and acquaint M^r Speaker, the Governour will receive it in half an Hour, in the Conference Chamber, Col. King, with thirteen others, sent to present the Address to his Excellency: They return, and acquaint M^r Speaker they have presented the Address.

M^r Joseph Hall, a returned Member for Calvert County, and M^r William Wilkinson, a returned Member for Charles County, appear in the House. M^r Brome and M^r Mackall sent to the Upper House

to see them qualified: They return, and say they saw them qualified by taking the several Oaths to the Government required by Law, signing the Oath of Abjuration, and repeating and signing the Test. L. H. J.
Liber No. 46

The Gentlemen take their Seats in the House.

The Petition of John Roberts, and Thomas Bond, of Baltimore County Planters, read and rejected.

The Petition of several of the Inhabitants of the Province of Maryland, representing the Injuries done by Negroes and their Dogs, and by Crows and Hawks; read, and referred to the Consideration of the next Session of Assembly.

M^r Harris added to the Committee of Laws.

On Motion of a Member from the Committee of Aggrievances, that a Pound of Tobacco hath been levied by Order of the Governour and Council, upon each Taxable Person of this Province; Ordered, That the Committee of Laws prepare an Address to his Excellency the Governour, to order to be laid before this House, by what Authority the said Pound of Tobacco hath been levied.

D^r Carroll brings in the Address to his Excellency the Governour, which was read, approved of, and ordered to be engrossed.

The following engrossed Address to his Excellency the Governour, viz.

To His Excellency Thomas Bladen Esq^r Governour of Maryland.

The Humble Address of the House of Delegates of the said Province.

May it please your Evcellency.

It appearing to this House that there hath been assessed and levied, by order of your Excellency and Council, the Sum of one Pound of Tobacco, on every Taxable Person within this Province; and to enforce the Collection thereof, an Execution hath been put into the Hands of the respective Sherifs: But in as much as it is not known to this House, by what Power and Authority your Excellency and their Honours have done the same, we humbly pray, your Excellency will please to order to be laid before this House, the Authority by which the said Tax hath been assessed, levied, and Execution issued for the same. Being prepared, was ordered, on Behalf of the House, to be signed by the Honourable Speaker; which being done, Ordered, That M^r Goldsborough and M^r Paca acquaint his Excellency, that this House hath prepared an Address to his Excellency, and desires to know when and where he will be pleased to receive it: They return, and say, his Excellency will receive it immediately upon the Parade.

M^r Nicholas Goldsborough, with thirteen others, sent to present the Address: They return and acquaint M^r Speaker they have presented the Address. p. 452

The House adjourns until the Morrow Morning 9 of the Clock

L. H. J.
Liber No. 46
August 8

Thursday morning, Aug 8. 1745

The House met according to Adjournment, All members present as Yesterday. The Proceedings of Yesterday were read.

On Motion of a Member, that a Bill be brought in for regulating of Officer's Fees; Leave given, and Ordered, that the Committee of Laws prepare and bring in the same.

On Motion of a Member, that a Bill be brought in for enlarging the Jurisdiction of the County Courts; Leave given, and Ordered, that the Committee of Laws prepare and bring in the same.

Mr Worthington from the Committee of Elections and Privileges, acquaints Mr Speaker that the Committee had made Choice of Mr Thomas Jennings for their Clerk. The House approves the Choice. Ordered, That Maj. Hall qualify Mr Jennings as Clerk to the Committee of Elections and Privileges, Maj Hall acquaints Mr Speaker, that he hath qualified Mr Jennings, by administring to him the several Oaths to the Government, causing him to sign the Oath of Abjuration, to repeat and sign the Test, and take the Oath of Office.

The House adjourns to 2 of the Clock.

Post Meridiem.

The House met according to Adjournment.

On Motion of a Member, Leave is given to bring in an additional Supplementary Bill to the Act entituled, An Act for laying out and erecting a Town at a Place called Long Point, on the West Side of North East River in Cecil County.

William Stoughton Esq^{re} from the Committee of Laws, delivers Mr Speaker the Bill entituled, An Act for enlarging the Jurisdiction of the County Courts, Which Bill was read the first Time and ordered to lie on the Table.

The House adjourns 'til To-Morrow Morning 9 of the Clock.

August 9

Friday Morning, Aug. 9. 1745

The House met according to Adjournment. All members present as Yesterday.

The Proceedings of Yesterday were read.

A Petition of Mr Stephen Bordley, complaining of an undue Election and Return of a Citizen and Delegate to serve in the present General Assembly for the City of Annapolis, the Consideration of which was refer'd to this Day, being read: The House proceeds to hear the Complaint at the Bar of the House.

The House adjourns to 2 of the Clock.

Post Meridiem

L. H. J.
Liber No. 46

The House met according to Adjournment.

M^r Speaker communicates to the House, the Governour's Answer to their Address on his Speech viz.

Gentlemen of the Lower House of Assembly.

It is a real Satisfaction to me to find by your Address that you are resolved to act like good Subjects, faithful Representatives, and true Lovers of your Country.

T. Bladen

The House then proceeded in their Enquiry into the Merits of the Election for the City of Annapolis

The House adjourns 'til To-Morrow Morning 9 of the Clock.

Saturday Morning Aug^t 10. 1745

August 10

The House met according to Adjournment. The Proceedings of yesterday were read.

Col. Henry obtains Leave of the House to go Home

p. 453

The House then resumed their Enquiry into the merits of the Election for the City of Annapolis.

The House adjourns to 2 of the Clock.

Post Meridiem

The House met according to Adjournment, and proceeded on the Enquiry into the Election aforesaid. And after hearing the Allegations of M^r Stephen Bordley the Petitioner, and D^r George Steuart the Person returned, with his Council, upon the most mature Consideration of the Merits of the said Election; Resolved, That the said D^r George Steuart, Returned as a Citizen and Delegate for the City of Annapolis, is not duly elected, And,

Ordered, That M^r Speaker acquaint him, that he is dismissed from any farther Attendance in this House: Which he does accordingly.

Resolved unanimously, That M^r Stephen Bordley is duly Elected a Member for the City of Annapolis.

The House adjourns to Monday Morning 9 of the Clock.

Monday Morning, Aug. 12th 1745

August 12

The House met according to Adjournment. All members present as on Saturday, except Col. Henry, and Capt. Addison. The Proceedings of Saturday were read.

M^r Osborn Sprigg, a member returned for Prince George's County appears in the House.

M^r Wootton, and M^r Smallwood, are sent to the Upper House to see him qualified; They return and acquaint M^r Speaker they saw him qualified, by taking the several Oaths to the Government re-

L. H. J. quired by Law, signing the Oath of Abjuration, and repeating and
 Liber No. 46 signing the Test. The Gentleman takes his Seat in the House.

Resolved, That the Serjeant at Arms acquaint M^r William Rogers, Mayor of the City of Annapolis, that this House requires his immediate Attendance.

M^r Rogers appearing at the Bar of the House, M^r Speaker delivered himself in the following manner.

This House, after a full Enquiry into the merits of the Election for the City of Annapolis, have found and Resolved, that D^r George Steuart was not duly elected: They have likewise found and resolved that M^r Stephen Bordley is duly elected, and therefore ought to have been returned: And have accordingly sent for you, as being the principal Member of this Corporation, to regulate the Return, by erasing the name of D^r George Steuart, and inserting in its Place the name of Stephen Bordley, who is the person you ought at first to have mentioned therein: And you are by this House ordered to do it accordingly.

In Pursuance whereof, the Return was, by the said Mayor, altered accordingly.

Cap^t Gordon, and D^r Carroll are sent to the Upper House, with M^r Bordley, to see him qualified. They return and acquaint M^r Speaker they saw him qualified, by taking the several Oaths to the Government required by Law, signing the Oath of Abjuration, and repeating and signing the Test. The Gentleman takes his seat in the House.

M^r Bordley added to the Committee of Laws.

On motion of a member, that the Governour be address'd to acquaint this House what kind of Security is given by the several Naval Officers, for such Sums of Money as they collect by virtue of Acts of Assembly of this Province; Ordered, That M^r George, M^r Stoughton and M^r Bordley, prepare the same

The House adjourns to 2 of the Clock

Post Meridiem

The House met according to Adjournment.

On Motion of a Member, that a Bill be brought in for the better regulating of Elections; Leave given and Ordered, that the Committee of Laws prepare and bring in the same.

M^r Stoughton brings in the Address to his Excellency, which was read, approved of, and ordered to be ingrossed.

The following ingrossed Address to his Excellency the Governour viz.

To his Excellency Thomas Bladen Esq^r Governour of Maryland.

The Humble Address of the House of Delegates of the said Province.

May it please Your Excellency

L. H. J.
Liber No. 46
p. 454

We beg leave to represent to your Excellency, that as the several Naval Officers of this Province, do, by Virtue of sundry Acts of Assembly, collect large sums of Money for the use of the Publick, we pray your Excellency will be pleased to acquaint us whether they give any Bond for the due Execution of their Offices, and if any, where lodged: As also to cause the same, or authentic Copies thereof, to be laid before this House.

Being prepared, was ordered, on Behalf of the House to be signed by the Honourable Speaker; which being done; William Stoughton Esq^r and M^r Bordley, are sent to acquaint the Governour that this House hath prepared an Address to his Excellency, and desires to know, when and where he will be pleased to receive it: They return and acquaint M^r Speaker, he will receive it immediately in the Conference Chamber. William Stoughton Esq^r and M^r Bordley, are sent to present the Address.

They return, and acquaint M^r Speaker they have presented it.

Col. King from the Committee to find out Ways and means for raising the Sum of two Thousand Pounds Current Money of Maryland, and applying the same to his Majesty's Service for Support of the Garrison of Louisburg at Cape Breton; brings in a Report; which was read, and ordered to lie on the Table, 'til the Committee appointed to inquire into the State and Condition of the Arms and Ammunition, and Accounts relating thereto, bring in their Report.

The House adjourns 'til To Morrow Morning 9 of the Clock.

Tuesday Morning August 13. 1745

August 13

The House met according to Adjournment. All Members present as Yesterday. The Proceedings of yesterday were read.

M^r Lecompte, a returned member for Dorchester County, appears in the House.

Capt. Ennalls and Capt. Dennis, are sent to the Upper House to see him qualified: They return and say they saw him qualified, by taking the several Oaths to the Government required by Law, signing the Oath of Abjuration, and repeating and signing the Test.

The Gentleman takes his Seat in the House.

M^r Speaker communicates to the House, the following Message from his Excellency the Governor.

Gentlemen of the Lower House of Assembly.

You have now sat above a week, and no Bill has yet been offered to me, or by what I can find, sent to the Upper House for the Purpose I so earnestly recommended at our first meeting, and which brought us together at this Season of the year: This Delay is the

L. H. J. more extraordinary, as you have in your Address, in Answer to my
 Liber No. 46 Speech at the opening of this Session, made the greatest Professions
 of Loyalty to our gracious Sovereign, and Zeal to the common cause;
 and you can not but know, that the greatest Dispatch is absolutely
 necessary, to render whatever you shall think fit to contribute, of
 real use. This is a Truth not to be denied, and therefore it is that
 I postpone the mentioning any other matter to you, 'til we shall
 have discharged our Duty upon this Point; which might very easily
 have been done in two or three Days. I am sensible that what is past
 cannot now be remedied, and that all I can do is to remind you of
 your Duty; therefore I earnestly exhort you, as you regard his
 Majesty's Honour and Service, and your own Reputation, to dis-
 charge it without farther Loss of Time T. Bladen.

On Motion of a Member, for Leave to bring in a Supplementary
 Bill to the Act entituled, An Act appointing Commissions for divid-
 ing St. Mary's County into four Parishes, and to erect that Part
 of All Faith, and King and Queen Parish, laying in Charles County
 into a distinct Parish; Leave given.

On Motion of a Member for Leave to bring in a Supplementary
 Bill to the Act entituled, An Act to enable certain Commissioners
 therein named, to lay out forty Acres of Land into eighty Lots, for
 a Town on Indian River in Worcester County; as also forty Acres
 of Land into eighty Lots, at the Head of Asseteague Creek, at a
 Place commonly called the Trapp, for a Town; Leave given M^r
 Wootton, from the Committee to inspect the State and Condition
 of the Arms and Ammunition and Accounts relating thereto, brings
 in the following Report.

p. 455 By the Committees for inspecting the Arms, Ammunition, and
 Accounts relating thereto, Aug^t 1745. Your Committee, having
 viewed and inspected the Quality and quantity of the Arms and Am-
 munition of this Province, now in the City of Annapolis, do find
 the same as follows, viz.

In the Council Chamber

481 Muskets, 71 Pistols, 72 Swords, 24 Trumpets, 11 Drums, 48
 Buckets, 44 Cartouch Boxes, 76 Halberts and Pikes, 12 Carbines
 with Bayonets and Slings (Imported since last Session per the
 Baltimore)

In the Room over the Conference Chamber

38 Carbines, Slings, and Bayonets, (Imported since last Session
 by the Baltimore) 122 Muskets with Bayonets and Slings, 20 Drums,
 4 Pair of Pistols, 14 Horseman's Swords and Belts, 3 Cases and
 a half of Matches, 24 Pair of Holsters, 72 Sword Belts.

Under the Conference Chamber

L. H. J.
Liber No. 46

2700 weight of Ball, 300 weight of large Shot, and 980 weight of Bar Lead.

In the Repository.

72 old Guns, out of Repair.

In the Powder House

39 half Barrels of old Gun Powder, 38 Cags of Shot, each containing half a hundred weight; a Box of Flints, The following imported since last Session by the Baltimore; 8 Half Barrels Gun Powder, 6 Barrels ditto; 100 Cags Shot, each containing half a hundred weight; 5 unopened Chests, containing as per Invoice 320 Carbines, Bayonets and Slings) 5 Carbines, Bayonets and Slings, in a Chest N^o 1, 3 Cases containing 250 Swords and Belts, as per Shop notes.

We find the Arms and Accoutrements in the Council Chamber clean and in good Order, and the several other Arms and Accoutrements mentioned in this Report, generally in good Order; excepting the 72 old Guns in the Repository, most of which are out of Repair.

We farther find, that since last Sessions, the Armourer, (by the Governour's Order) has delivered to sundry Persons the following Arms and Ammunition, as per Receipts appear; viz.

To Capt. Willson, per Order Col. Belt, one Drum

To Samuel Magruder—one ditto

To Capt. Belt, per Order, Col. Belt one ditto

To M^r Mouat, a Flag and one Drum

To Augustine Sylvester, one Carbine

To Capt. Ogle, one Trumpet

To Capt. Debutts, 30 pair of Pistols, and Holsters, 4 Swords and Belts, and one Trumpet.

To Capt. Thomas Cresap, 60 Carbines with Slings, 10 Pair of Pistols with Holsters, 10 Swords with Belts, and half a Barrel of Powder.

To M^r James Johnson, 2 Half Barrels of Powder, Cut.

To Capt. Hargrave. 2 Half Barrels of ditto, Cut

To Capt. William Rogers, 15 Muskets with Slings.

All which is humbly submitted to the Consideration of this Honourable House

Signed p Order, Tho. Jennings Cl. Com.

Which being read, the House concurs therewith.

The House adjourns to 2 of the Clock

L. H. J.
Liber No. 46

Post Meridiem

The House met according to Adjournment.

Capt. Addison appears in the House.

The following Report, from the Committee appointed to find out Ways and Means for raising the Sum of two Thousand Pounds Current money of Maryland, and applying the same to his Majesty's Service for Support of the Garrison of Louisburg at Cape Breton, being read, the House concurs therewith.

By the Committee appointed to find out Ways and Means for raising the Sum of two Thousand Pounds Current Money of Maryland, and applying the same to his Majesty's Service, for Support of the Garrison of Louisburg at Cape Breton.

p. 456 Your Committee conceive, that the most expeditious method for raising the said Sum, to render the same of Immediate use for the Purpose intended, is, that the Sum of two Thousand Pounds Current Money of this Province, be borrowed or taken out of the Office for emitting Bills of Credit, and that the said Sum be repaid into the said Office by the Ways herein after mentioned, viz. by reenacting such Part of the Act entituled, An Act for the raising and issuing money for maintaining his Majesty's Forces to be raised in this Province, and for transporting them to the Place of Rendezvous in the West Indies, as relates to Ordinary Licenses, and applying the Fines arising on them, to the Repayment of the said Sum, after having discharged the Sum by the said Act required: As also by a Duty of forty shillings on all Horses, imported by Land or Water into this Province, for Sale.

All which your Committee humbly submit to the Consideration of your Honourable House.

Signed per Order E. Dorsey Cl. Com.

Ordered, That half a Ton of Gun Powder, and two and a half Ton of Lead, and leaden Bullets for the use of the Garrison of Louisburg, and to be taken out of the publick Magazine, be inserted in the Bill for raising the Sum of two Thousand Pounds Current Money, for his Majestys Service, for Supporting the Garrison of Louisburg at Cape Breton, over and above the said two Thousand Pounds. And Ordered, That the Committee of Laws prepare and bring in a Bill accordingly.

Ordered, That M^r Philip Hammond, D^r Carroll, M^r Bordley, and M^r Harris, prepare an Address to his Excellency, on his Message of this Day.

M^r Stoughton, from the Committee of Laws, brings in a Bill entituled, An Act for Limitation of Officers Fees; which was read the first Time, and ordered to lie on the Table.

The House adjourns 'til To-Morrow Morning 9 of the Clock

Wednesday Morning, August 14. 1745

L. H. J.
Liber No. 46
August 14

The House met according to Adjournment. All Members present as Yesterday. The Proceedings of yesterday were read.

A Question being put, Whether it shall be in a Clause in the Bill to be brought in for raising the Sum of two Thousand Pounds Current Money for his Majesty's Service; for supporting the Garrison of Louisburg at Cape Breton, that the sum of Sterling, be paid for every Hogshead of Tobacco to be exported out of this Province, for the Payment of an Agent in Great Britain, for the Service of the said Province, subject to the Appointment and Disposal of the House of Delegates of the said Province, or not? It was resolved in the Affirmative.

For the Affirmative

M ^r Abell	M ^r Mackall	M ^r Pearce
Jn ^o Gresham	Courts	Hyland
Rich ^d Gresham	Smallwood	Paca
Harris	Harrison	Buchanan
Carrol	W ^m Wilkinson	Wootton
Phil. Hammond	Stoughton	Sprigg
Worthington	N. Goldsborough	Addison
Hen. Hall	Thomas	T. Wilkinson
Jos. Hall	J. Goldsborough	T. Hammond
Brome	Hooper	Hopper

For the Negative

M ^r Bond	M ^r Ennalls	M ^r Gordon
Barnes	Lecompte	Bordley
Mills	Sullivan	Pemberton
King	George	Purnell
Dennis	Colvil	Selby
Lloyd	John Hall	Outten

The House adjourns to 2 of the Clock

Post Meridiem

The House met according to Adjournment.

A Petition of Charles Carroll, praying Leave to bring in a Bill, to remedy some Defects in an Indenture of Bargain and Sale, made and executed by Michael Curtis and Sarah his wife, late of St. Mary's County deceased, and Charles Carroll Esq^{re} of the City of Annapolis, deceased; Read and granted.—

M^r Smith, a returned member for Calvert County, appears in the House. p. 457

M^r Joseph Hall, and M^r Mackall, are sent to the Upper House to see him qualified: They return, and acquaint M^r Speaker they

L. H. J. saw him qualified, by taking the several Oaths to the Government
 Liber No. 46 required by Law, signing the Oath of Abjuration, and repeating and
 signing the Test. The Gentleman takes his Seat in the House.

The House adjourns 'til To Morrow Morning, 9 of the Clock.

August 15

Thursday Morning August 15th 1745

The House met according to Adjournment, The Proceedings of yesterday were read.

M^r Smith added to the Committee of Elections and Privileges, and to the Committee appointed to inquire into the State and Condition of the Arms and Ammunition, and Accounts relating thereto.

M^r Hammond brings in an Address to his Excellency, in Answer to his Message of Tuesday last, which was read, approved of, and ordered to be ingrossed.

The following ingrossed Address to his Excellency, Viz.
 To his Excellency Thomas Bladen Esq^r Governor of Maryland.

The humble Address of the House of Delegates of the said Province.

May it please your Excellency.

Whatever Construction you are pleased to put upon our Actions, we assure you, that our unfeigned Loyalty to his Majesty will never permit us to give the least Delay to any Thing that relates to his Service, and this is apparent by the early and unanimous Resolve of our House, to raise a Sum of Money for the Support of his Garrison at Cape Breton: And accordingly a Bill to that End is in as great Forwardness, as the subject matter would admit, and will with the utmost Expedition be sent to the Upper House, Were We inclined to think of any other than a fair and upright Behaviour in your Excellency, we conceive there is equal Room to suspect a Delay on your Part, as you have had before you our Address relating to the Authority by which your Excellency and his Lordship's Council have levied upon the People one Pound of Tobacco per Poll, near as long as the Affair for Support of Cape Breton hath been under our Consideration, and we should think it less difficult for your Excellency to say by what Authority that Tobacco was levied, than it is for us to find out Ways and means effectually to answer the Service of his Majesty with the greatest Ease to the People.

As what we are about to do for the Service of our most gracious Sovereign, is the Result of our own free Will, we are determined not to be diverted from that Method of Proceeding, whereby we hope to render it most useful and agreeable.

Being read, was ordered on Behalf of the House, to be signed by the Honourable Speaker; which being done, M^r Courts, and M^r Thomas, are sent to acquaint the Governour, that this House hath

prepared an Address to his Excellency, and desires to know, when and where he will be pleased to receive it: They return and acquaint M^r Speaker, his Excellency will receive it immediately, in the Conference Chamber. M^r Smith, and M^r Harris, are sent to present the Address. They return, and acquaint M^r Speaker they have presented it.

L. H. J.
Liber No. 46

The House adjourns to 2 of the Clock.

Post Meridiem

The House met according to Adjournment, And Adjourn again 'til To-Morrow Morning, 9 of the Clock.

Friday Morning, Aug^t 16th 1745

August 16

The House met according to Adjournment. The Proceedings of yesterday were read.

Col. King from the Committee of Accounts, delivers M^r Speaker the following Representation:

By the Committee of Accounts, Aug^t 16th 1745

Your Committee having several Officers Accounts of Fees before them, for Allowance, which Fees appear to be charged agreeable to a Proclamation of the Lord Proprietary, in Council, dated the 14th Day of April 1733, your Committee desire the Directions of the House in what manner the said Fees shall be allowed

Signed p Order, Richard Dorsey Cl. Com.

Which being read, Ordered, that such Part of the said Officers Accounts as shall be allowed, be made Agreeable to the Regulation of Fees made in a Bill last Session sent to the Upper House, entitled an Act for Limitation of Officers Fees. p. 458

M^r Speaker communicates to the House the following Message from his Excellency the Governour.

Gentlemen of the Lower House of Assembly.

Were I to Judge of your Address by the Reasoning Language, and Stile of it, I should put no other Construction upon it, but that you were at a Loss how to defeat the Service you are met upon, and that you were resolved to treat me with the utmost Indecency and ill manners, meerly to furnish your selves with a Pretence, that you were diverted from the Method of Proceeding that would have rendered your services most useful and agreeable to his Majesty. But as you say you are determined not to be so diverted, let your Proceedings give Evidence of the Sincerity of your Words, and I shall rejoice at it, and shall willingly lose the Remembrance of your extraordinary Behaviour towards myself, in the Pleasure I shall receive, when I shall see your Actions correspond with the Profes-

L. H. J. sions you make of Duty to his Majesty, and Affection for his Service :
 Liber No. 46 This is the great Point you are met upon, and I must say, you have
 already let so much Time go by, that you have no more to lose, if
 you really mean to act like good Subjects, and avoid an odious Dis-
 tinction that must inevitably be made between the Behaviour of a
 Maryland Lower House of Assembly, and that of all the other
 Colonies, who have been applied to in this important Business.
 As for not giving you an Answer to your Address in Relation to the
 Levy of one Pound of Tobacco per Poll, I have deferred purely in
 respect to his Majesty's Service, which ought to have engrossed our
 whole Attention, and which if it had, would have saved me the
 Pain of answering an Address of so strange a nature as what you
 have sent me this Day, which as I know to be the Production of a
 few, so to a few, very few do I impute it. T. Bladen

15th Aug. 1745

The House adjourns to 2 of the Clock

Post Meridiem

The House met according to Adjournment.

Col. Colvil, from the Committee appointed to inspect the Office
 and Proceedings of the Commissioners for emitting Bills of Credit
 established by Act of Assembly, delivers M^r Speaker the following
 p. 460 Report, viz. (See page 7)

Which being read, the House concurs therewith.

The House adjourns 'til To-morrow Morning, 9 of the Clock.

August 17

Saturday Morning Aug. 17th 1745.

The House met according to Adjournment. The Proceedings of
 Yesterday were read.

A Petition of John Hussey, of Prince George's County, praying
 Leave to bring in a Bill for recording a Deed of Bargain and Sale,
 between the said John Hussey and a certain John Aubrey of Prince
 William County in Virginia, for a Tract of Land called Yate's Addi-
 tion, being read, The House appoints M^r Smith, M^r Sprigg, and
 M^r Courts, a Committee to inquire into the Allegations contained
 in the said Petition.

William Stoughton Esq^{re} from the Committee of Laws, brings in
 a Bill, entituled An Act for raising the Sum of Pounds, Cur-
 rent Money, and Sterling per Hogshead, for his Majesty's
 Service towards supporting the Garrison of Louisburg on Cape
 Breton, and for other Purposes therein mentioned: Which was read
 the first Time, and ordered to lie on the Table.

The House adjourns 'til Monday Morning 9 of the Clock.

Monday Morning August 19. 1745

L. H. J.
Liber No. 46
August 19

The House met according to Adjournment. The Proceedings of Saturday were read.

The following Letters, from Col. George Plater, Naval Officer of Patuxent District; M^r Thomas Lee Executor of Philip Lee Esq^{re} Naval Officer of North Potomack District; and from M^r Mathias Gale Executor of Col. Levin Gale, Naval Officer of Pocomoke District; were read and ordered to be entered on the Journal.

I take leave to assure the Lower House of Assembly, that I have always been very careful to remit; as soon as I possibly could, every Bill of Exchange I have received for the fifteen Pence per Hogshead, to the Trustees appointed by Act of Assembly to negotiate those Bills and made Provision, that if any Bill or Bills remitted by me on that Account, were not paid on Account of the Drawer, that the Money should be immediately paid on my own Account. I took the very same Method with Capt. Morgan's Bill, and have produced the Trustee's Letter acknowledging the Receipt of it. And I am ready to declare upon Oath, that I do not know, or ever heard, that the said Bill was not paid by the Person it was drawn upon. This is really the true State of the Case with Regard to that Bill, and every Body must be sensible I have done my Duty, and that the Trustees in London are not accountable to me for their Conduct, but to the Assembly, and consequently that if they (the Trustees) should misapply the Bills they receive, or become insolvent, I ought not in Law or Reason to be chargeable with their mismanagement I have, however, wrote to the Trustees, and shall acquaint the Assembly with their Answer as soon as I shall have received it. p. 461

Aug^t 14. 1745.

Geo. Plater

August 15. 1745

May it please your Honours

I have received a Letter from the Commissioners of the Paper Office, in pursuance of an Order of the Assembly, requiring me, as Executor to Philip Lee, late Naval Officer of North Potomack District, to render an Account of the Bills therein mentioned, to wit,

Catharine Playfay, endors'd by Henry Massey	£10.. 0..0
John Boyde, endors'd by John Browne	13..17..1
John Dormant, endors'd by Robert Yates	53..11..8
James Mollinson, endors'd by Robert Browne	25..14..0
Randolph Johnson on John Buchanan	4.. 0..6
	£107.. 3..3

Any Account of which I do not find in my Testator's Books, or among his Papers, nor can I, as yet, learn whether the Commission-

L. H. J. ers or Trustees in England have credited my Testator's Account
 Liber No. 46 with them; but shall write them immediately in Relation thereto,
 and if the said Bills have not been paid to the Trustees aforesaid,
 I will promise on Receipt of their Answer (that the money hath not
 been received by them) to pay the Amount of the Bills, with Interest
 from the Time they ought to have been carried to the Credit of the
 Country.

I am your Honours most obedient Servant, Tho. Lee

To the Honourable Lower House of Assembly
 Gentlemen—

Having received a Letter from the Commissioners of the Paper
 Currency Office, relating to some Bills, mentioned in a Report of
 both Houses last Session, remitted by the late Naval Officer of
 Pocomoke: I do assure your Honours that I have wrote very press-
 ingly for an Account Current, from the year 1736, which I daily
 expect to receive; and if it doth not then appear that the Bills men-
 tioned in the Report aforesaid, are carried to the Credit of the Coun-
 try, I do hereby promise, that it shall be done with Interest for the
 Time that Money hath been due to the Country, by Gentlemen

Your humble Servant, Matthias Gale.

Annapolis Aug. 19. 1745.

A Bill entituled, An Act to remedy some Defects in an Indenture
 of Bargain and Sale, made and executed by Michael Curtis, and
 Sarah his wife, late of St. Mary's County deceased, and Charles
 Carroll Esq^{re} late of the City of Annapolis, deceased; was read the
 first Time, and ordered to lie on the Table.

On Motion of a Member, for Leave to bring in a Bill to continue
 an Act entituled, An Act for the speedy and effectual Publication of
 the Laws of this Province, and for the Encouragement of Jonas
 Green of the City of Annapolis, Printer; Leave given, and ordered,
 that the Committee of Laws prepare and bring in the same.

M^r George, from the Committee of Laws, brings in a Bill enti-
 tuled, An Act continuing an Act entituled, An Act for the speedy
 and effectual Publication of the Laws of this Province &^c which was
 read the first Time, and ordered to lie on the Table.

p. 462 Col. Hooper delivers M^r Speaker a Bill, entituled, a supplementary
 Act to the Act entituled, An Act appointing Commissioners for
 dividing St. Mary's County into four Parishes, and to erect that
 Part of All Faith and King and Queen Parish laying in Charles
 County, into a Distinct Parish which Bill was read the first Time,
 and ordered to lie on the Table.

The House adjourns to 2 of the Clock

Post Meridiem

L. H. J.
Liber No. 46

The House met according to Adjournment

Resolved, That a further Sum of one Thousand Pounds Current Money, be added to the former Sum of two Thousand Pounds, Voted for his Majesty's Service towards supporting the Garrison of Louisburg at Cape Breton.

The Bill entituled, An Act for raising the Sum of three Thousand Pounds Current money, and two Pence Sterling per Hogshead for his Majesty's Service &^{ca} was read the second Time, and will pass.

The House adjourns 'til To-Morrow Morning 9 of the Clock.

Tuesday morning, August 20. 1745

August 20

The House met according to Adjournment, The Proceedings of Yesterday were read.

The Bill entituled, An Act for raising the Sum of three Thousand Pounds Current Money, and two Pence Sterling per Hogshead for his Majesty's Service, towards supporting the Garrison of Louisburg &a. was sent to the Upper House by M^r Philip Hammond, and thirteen others.

On Motion of a Member, that an Address to the Governour be prepared, praying him that he will order an Account of all Fines, Forfeitures, and Provincial Amerciaments, arising within this Province, to be laid before this House.

Ordered, that the Committee of Laws prepare, and bring in the same.

The House adjourns to 2 of the Clock.

Post Meridiem

The House met according to Adjournment

M^r John Goldsborough hath Leave of the House to go Home

On Motion of a Member, that a congratulatory Address to his sacred Majesty, be prepared:

Ordered, that the Committee of Laws prepare, and bring in the same.

M^r Goldsborough, from the Committee of Aggrievances, and Courts of Justice, delivers M^r Speaker the following Report, viz.

By the Committee of Aggrievances, and Courts of Justice, August 20. 1745.

Whereas M^r Philemon Lecompte, a Member of your House, hath made a Complaint to your Committee, that he being indebted to a certain John Gale in the Quantity of 571 Pounds of Tobacco, of which he made a Tender according to the Directions of an Act of Assembly entituled, An Act for Relief of Debtors, and ascertaining

L. H. J. the manner of Tenders in Tobacco; after which a Warrant was
 Liber No. 46 issued by a Magistrate against him the said Lecompte, and Judgment was given by a certain M^r James Billings, a Magistrate for Dorchester County, altho the said Lecompte pleaded the Payment aforesaid: Notwithstanding which, the said Billings issued an Execution against the said Lecompte, whereby he was obliged to procure M^r Thomas Nevett, of the same County, to pay the same, whereby the said Lecompte hath doubly paid the Debt aforesaid.

Your Committee conceive, that the Tender and Payment made according to the Directions of the said Act of Assembly, was a good and sufficient Payment, and that the said Magistrates proceeding to give Judgment and order Execution notwithstanding the same, and notice thereof, was illegal and oppressive.

But submitted to the Consideration of the House.

Signed p Order E. Dorsey Ct. Com.

Which being read, the House concurs therewith, And Ordered, that the Clerk issue Summons for James Billings the Person complained against, to appear at the Bar of this House on Wednesday the 28th of this Instant.

p. 463 A Bill entituled, An additional supplementary Act to the Act, entituled, An Act for laying out and erecting a Town at a Place called Long Point, on the West Side of North East River in Cecil County; was read the first Time, and ordered to lie on the Table.

The Bill entituled, An Act continuing an Act, entituled, An Act for the speedy and effectual Publication of the Laws of this Province, and for the Encouragement of Jonas Green, of the City of Annapolis, Printer, was read the second Time, passed, and sent to the Upper House by M^r Bordley and M^r Mills.

The House adjourns until To-Morrow Morning at 9 of the Clock

August 21

Wednesday Morning, August 21. 1745

The House met according to Adjournment, The Proceedings of yesterday were read.

M^r Harris brings in an Address to the Governour, which was read, approved of, and ordered to be engrossed.

A Bill, entituled, A Supplementary Act to the Act, entituled, An Act to enable Commissioners therein named, to lay out forty Acres of Land into eighty Lots for a Town on Indian River in Worcester County, as also forty Acres of Land into eighty Lots at the Head of Asseteague Creek, at a Place commonly called the Trapp, for a Town; Read the first Time, and ordered to lie on the Table.

Col. Lloyd, and Benjamin Young Esq^{re} from the Upper House, deliver M^r Speaker the Bill, entituled, An Act for raising the Sum of three thousand Pounds Current Money, and two Pence Sterling per

Hogshead, for his Majesty's Service &c Indorsed, By the Upper House of Assembly, August 20. 1745, Read the second Time, and with the Amendments proposed in a Message herewith sent, will pass. Signed per Order. I. Ross Ct. Up. Ho. L. H. J.
Liber No. 46

And the following message (See page 12)

Which being read, Resolved, That it is the undoubted Right of the House of Delegates, to raise on the People of this Province, any Sum of Money, or other Tax, and for such Time, and in such Manner, and to such uses and Purposes, as to them shall seem meet, and that the Upper House have not any Right to propose any Alterations or Amendments, so as to alter or change the substantial or material Parts of any such Bill, sent up to them from this House. p. 464

The House adjourns to 2 of the Clock

Post Meridiem

The House met according to Adjournment.

The following ingrossed Address to his Excellency, viz.

To his Excellency Thomas Bladen Esq^{re} Governour of Maryland.

The humble Address of the House of Delegates of the said Province May it please your Excellency.

His Majesty's Subjects, the People of this Province, are burthened with many Taxes and Charges, of which it requires our utmost Attention to find Ways and means to ease them. And as there are by many Acts, and the Laws of this Province, sundry Fines and Forfeitures which we humbly conceive ought to be appropriated to the Support of Government; as also Amerciaments in the Provincial Court, an Account of the Disposal whereof hath not for many years been rendered to the House of Delegates. We therefore pray, that your Excellency will order to be laid before this House Accounts of all the Fines, Forfeitures and Amerciaments, that have arisen and been paid; and how, and to what Uses applied, in the Support of this Government, from the year 1715 to this Time.

Being prepared, was ordered, on behalf of the House, to be signed by the honourable Speaker which being done, Major Sherredine and Capt. Hopper are sent to acquaint his Excellency, that this House Hath prepared an Address to him, and desires to know when and where he will be pleased to receive it. They return, and acquaint M^r Speaker his Excellency will receive it immediately in the Conference Chamber. M^r Smith, with three others, sent to present the Address. They return, and acquaint M^r Speaker, they have presented it. p. 465

The Bill for Limitation of Officers Fees was read the second Time, passed and sent to the Upper House by Col. Colvil and Col. Hall.

L. H. J.
Liber No. 46 The Bill entituled, A supplementary Act to the Act entituled An Act appointing Commissioners for dividing St. Mary's County into four Parishes &^{ca} was read the second Time, passed, and sent to the Upper House by M^r Barnes, and M^r Mills.

The Bill, entituled An additional Supplementary Act to the Act, entituled An Act for laying out and erecting a Town at a Place called Long Point, on the West side of North East River in Cecil County; was read the second Time, passed, and sent to the Upper House by Col. Colvil, and M^r Hyland.

The House adjourns 'til To Morrow Morning, 9 of the Clock.

August 22

Thursday Morning August 22. 1745

The House met according to Adjournment, The Proceedings of Yesterday were read.

The House adjourns to 2 of the Clock.

Post Meridiem

The House met according to Adjournment.

The Bill entituled, An Act for raising the sum of three Thousand Pounds Current Money, and two pence Sterling per Hogshead, for his Majesty's Service towards supporting the Garrison of Louisburg on Cape Breton, and for other Purposes therein mentioned, was sent to the Upper House by M^r Philip Hammond, and thirteen others, with the following Message, (See page 15)

p. 466 On Motion of a Member, that a further Address be prepared to his Excellency, praying him that he will order to be laid before this House, by what Authority a Pound of Tobacco hath been levied upon each Taxable Person of this Province, Ordered, That the Committee of Laws prepare and bring in the same.

M^r Harris brings in the Address to his Excellency, which was read, approved of, and ordered to be ingrossed.

p. 467 The Bill entituled, a supplementary Act to the Act entituled, An Act to enable Commissioners therein named to lay out forty Acres of Land into eighty Lots for a Town on Indian River in Worcester County, as also forty Acres of Land into eighty Lots at the Head of Asseteague Creek at a place commonly called the Trapp for a Town, was read the second Time, and will pass.

The House adjourns 'til To-Morrow Morning 9 of the Clock.

August 23

Friday Morning, August 23. 1745.

The House met according to Adjournment, The Proceedings of yesterday were read

The following ingrossed Address, Viz.

To his Excellency Thomas Bladen Esq^{re} Governor of Maryland

L. H. J.
Liber No. 46

The humble Address of the House of Delegates of the said Province.

May it please your Excellency.

You not being pleased hitherto to give us an Answer to a former Address of this House, requesting you would order to be laid before us, by what Authority your Excellency and his Lordship's Council have caused to be levied on the People of this Province, one Pound of Tobacco per Poll, we humbly presume to renew our Application to your Excellency for that Purpose. And we hope this Request will be the more readily complied with, as it is the Desire of the whole representative Body of the People of Maryland.

Being prepared, was ordered, on behalf of the House, to be signed by the Honourable Speaker.

M^r Harris, and D^r Buchanan are sent to acquaint his Excellency, that this House hath prepared an Address to him, and desires to know when and where he will be pleased to receive it: They return and acquaint M^r Speaker, that his Excellency will receive it immediately in the Conference Chamber.

Col. Colvil, and Capt. Hopper sent to present the Address: They return and acquaint M^r Speaker they have presented it,

The Bill entituled, a supplementary Act to the Act entituled, An Act to enable Commissioners therein named, to lay out forty Acres of Land into eighty Lots for a Town on Indian River &c sent to the Upper House by Capt. Selby, and Capt. Outten.

M^r Sprigg added to the Committee of Aggrievances and Courts of Justice.

On motion of the Chairman of the Committee of Aggrievances & Courts of Justice Ordered, That the Clerk of this House issue Summons for M^r James Weems, the Rev^d M^r James Williamson, and Henry Keene to attend the said Committee on Monday the 26th of this Instant: And that he likewise issue Summons for Moses Par-ran, to attend the said Committee at the same Time, and bring with him the Execution awarded by M^r Thomas Ireland junior, a Magistrate of Calvert County, against a certain William Fowler. The Serjeant ordered to inform William Fowler that he must attend this House on Monday next.

William Stoughton Esq^{re} acquainting the House, that he is incapable, through Indisposition, of attending his Duty as a Member of the Committee of Aggrievances, and Courts of Justice, he is discharged from that Service. And, Ordered, That Col. Hooper be added to the said Committee.

The House adjourns to 2 of the Clock.

L. H. J.
Liber No. 46

Post Meridien

The House met according to Adjournment

The Bill entituled, An Act for enlarging the Iurisdiction of the County Courts, being read the second Time, the Question was put, Whether the said Bill shall pass, or not? Resolved in the Negative.

For the Negative

Mr Bond	Mr Mackall	Mr Sherredine
Abell	Courts	Paca
Barnes	Harrison	Jn ^o Hall
Mills	W. Wilkinson	Buchanan
G. Willson	King	Addison
J. Gresham	D. Willson	Gordon
R. Gresham	Dennis	Bordley
Harris	Lecompte	T. Wilkinson
Carroll	Sulivane	T. Hammond
Smith	Colvil	Hopper
Jos. Hall	Pearce	Purnell
Brome	Hyland	

For the Affirmative

Mr P. Hammond	Mr Lloyd	Mr Sprigg
Worthington	Thomas	Pemberton
Hen. Hall	Hooper	Selby
Smallwood	Ennalls	Outten
Stoughton	George	
N. Goldsborough	Wootton	

p. 468 Daniel Dulany Esq^{re} and Col. Tasker from the Upper House delivers Mr Speaker the Bill entituled An Act for raising the Sum of three Thousand Pounds Current money and two pence Sterling per Hogshead for his Majesty's Service &^{ca} Indorsed, (See page 17)

And the following Message, (See page 17)

p. 470 An ingrossed Address to the King's most Excellent Majesty was read, approved of, and ordered, on behalf of the House, to be signed by the Honourable Speaker; and is as follows, viz.

To the Kings most excellent Majesty.

The humble Address of the House of Delegates of the Province of Maryland

Most Gracious Sovereign,

We, your Majesty's most loyal and dutiful Liege Subjects, the Representatives of the Free men of the said Province, beg Leave to approach your sacred Person with our hearty Congratulations on the Success of your Arms, in the Reduction of the City of Louis-burg at Cape Breton in North America, with it's Dependencies, to

your Obedience; and we sincerely pray, that divine Providence may, at all Times, guide your Councils, and direct your Arms, so as to reduce your Enemies to a Compliance with your Royal Will. L. H. J.
Liber No. 46

Your faithful Subjects, the Delegates of Maryland, on the first notice of that Conquest, by his Excellency Governour Shirley's Letter, communicated to us by the honourable Thomas Bladen Esq^{re} the Lord Proprietary's Governour here, did all that was in our Power to contribute towards maintaining the same, by passing a Bill in our House, granting the Sum of three thousand Pounds, Current money, to be applied to the Purchase of Provisions, as also half a Ton of Gun Powder, and two Tons and an half of Lead, and Leaden Ball, to be taken out of our publick Magazine, for the Service of that Garrison. In which Bill was likewise included, a Duty of two Pence Access to your Majesty free and easy and which our distant Scitua-Sterling per Hogshead, on all Tobaccos to be exported out of this Province for the Support of an Agent in Great Britain, to render our tion, and being under a Proprietary Government, makes absolutely necessary; which occasioned his Lordship's honourable Council to refuse passing the same, that thereby your faithful Subjects might want the means of Access to your Royal Person for Redress of the many Grievances we labour under, and which we have for many years been endeavouring to lay before your most sacred Majesty: And we esteem it not the least of our Misfortunes, that we are prevented from being equally serviceable to your Majesty, with our other Fellow subjects upon this Continent, on the present Occasion.

We therefore most humbly implore, and request, that from your Princely Affection, and general Regard for all your loving Subjects, you will give a favourable Interpretation to our Actions on this Occasion, and that the Loss of that Bill, and the affectionate supply intended for your Majesty's Service, may not be imputed to us; and that your Majesty will believe, that none of your Subjects exceed us, in a hearty Zeal for your Majesty's Service, Royal Person and Family, which we have, and at all Times, to the utmost of our Power, on all Occasions shall demonstrate.

Signed by Order and on behalf of the House of Delegates.

Edw. Sprigg, Speaker.

Mr Speaker communicates to the House the three following messages from his Excellency, viz.

Gentlemen of the Lower House of Assembly.

In Answer to your Address wherein you desire to know by what Authority one Pound of Tobacco is assessed and levied on every Taxable Inhabitant within this Province: The said one Pound of Tobacco per Taxable, is assessed and levied by virtue of an Act of Assembly for the ordering and regulating the militia of this Province for the better Defence and security thereof, which you will find in the Body of Laws, Page 101.

T. Bladen

L. H. J. Gentlemen of the Lower House of Assembly,
 Liber No. 46 In Answer to your Address relating to the Naval Officers Bonds,
 I do acquaint you, that the several Naval Officers of this Province
 give Bond for the due Execution of their Office, which Bonds are
 lodged with me, Copies whereof I have ordered to be laid before you
 T. Bladen

p. 471 Gentlemen of the Lower House of Assembly.

In Answer to your Address desiring Accounts to be laid before you
 of the Fines, Forfeitures, and Amerciaments, which have arisen and
 been paid from the year 1715 to this Time.

If you mean only such Fines and Forfeitures as are appropriated
 by Acts of Assembly to the Support of Government, I take for
 granted, that the Agents, who received them have accounted for
 them to the Lord Proprietary, to whom only they were accountable.

As to Fines or Forfeitures by the Common Law, they are as much
 his Lordship's Right, as any thing else can possibly be, and there-
 fore, if those who received them to his Lordship's use, have honestly
 accounted for them to his Lordship, they have fully discharged their
 Duty; and I am informed by the present Agent that he has not re-
 ceived any other.

And if there was any occasion to lay such Accounts before the
 Lower House of Assembly, as you desire, which I think there is not,
 it would be a very difficult Task on me to procure such Accounts,
 because several of the Gentlemen who have been Agents are dead,
 and I am not acquainted with their Executors or Administrators.
 The same Reasons will reach the Amerciaments, and therefore I
 need not add any Thing more relating to them. T. Bladen

A Question being put, Whether the Letter from Governour
 Shirley of New England, to his Excellency Thomas Bladen Esq^{re}
 communicated to this House be printed, or not? Resolved in the
 Affirmative

For the Affirmative

M ^r Bond	M ^r Courts	M ^r Sherredine
Abell	Smallwood	Paca
Mills	Harrison	John Hall
G. Willson	W. Wilkinson	Wootton
J. Gresham	Stoughton	Sprigg
R. Gresham	D. Willson	Addison
Harris	N. Goldsborough	Bordley
Carrol	Lloyd	Pemberton
P. Hammond	Thomas	T. Wilkinson
Worthington	Hooper	T. Hammond
Hen: Hall	Ennalls	Hopper
Smith	Lecompte	Purnell
Jo. Hall	Sulivane	Selby
Brome	Pearce	Outten
Mackall	Hyland	

For the Negative

L. H. J.
Liber No. 46

Mr Barns
King
Dennis

Mr George
Colvil
Buchanan

Mr Gordon

Ordered, That the Bill entituled, An Act for raising the Sum of three Thousand Pounds, Current Money, and two Pence Sterling per Hogshead, for his Majesty's Service, towards supporting the Garrison of Louisburg on Cape Breton, and for other Purposes therein mentioned, with the Indorsements thereon, be printed, and made a Part of the Journal of this House. Which is as follows, viz.

An Act for raising the sum of three Thousand Pounds Current Money, and two Pence Sterling per Hogshead, for his Majesty's Service, towards supporting the Garrison of Louisburg on Cape Breton, and for other Purposes therein mentioned,

Whereas, we have certain Advice that the Town of Louisburg on Cape Breton is, with it's Dependencies, by his Majesty's Subjects of New England, with the Assistance of Part of the British Fleet, reduced to his Majesty's Obedience; and that for the Preservation thereof, an immediate Supply of Provision, and other Necessaries are wanting: We therefore his Majesty's faithful and loyal Subjects, the Delegates of the Free men of Maryland, in General Assembly convened, freely, willingly, and chearfully to promote his Majesty's Service, by contributing towards the Preservation of the said Conquest against the common Enemy, so far as the Circumstances and Ability of the People of this Province will admit, humbly pray that it may be enacted.

And be it enacted by the right honourable the Lord Proprietor, by and with the Advice and Consent of his Lordships Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, that the Sum of Three Thousand Pounds in Bills of Credit of this Province, Part of the publick Money in the hands and Custody of the Commissioners or Trustees for emitting Bills of Credit, established by Act of Assembly, be and is hereby enacted, appointed declared, and appropriated, to be taken up, paid and applied by the Persons and in manner hereafter mentioned, in the buying fit and necessary Provisions for his Majesty's Service, towards supporting and maintaining the Garrison of Louisburg on Cape Breton

p. 472

And be it further enacted by the Authority, Advice, and Consent aforesaid, that Col. Thomas Colvil, Mr Richard Gresham, Capt. Bartholomew Ennalls Capt. David Willson, and Capt. William Hopper, be and are hereby constituted and appointed Agents for this Province, to execute and perform the several and respective Matters and Things contained and mentioned in this Act, according to the Tenor thereof, in manner hereafter expressed. And be it further Enacted by the Authority aforesaid, that the said Col. Thomas Colvil Mr Richard Gresham, Capt Bartholomew Ennalls,

L. H. J. Capt. David Willson, and Capt. William Hopper, or any three of
 Liber No. 46 them, be and hereby impowered and authorized to take and receive
 of and from the said Commissioners, or Trustees, for emitting Bills
 of Credit, established by Act of Assembly, the Sum of three Thou-
 sand Pounds Current money, in the said Bills of Credit, to be ap-
 plied and laid out within this Province by them the said Col. Thomas
 Colvil, M^r Richard Gresham, Capt. Bartholomew Ennalls, Capt.
 David Willson, and Capt. William Hopper, or any three of them,
 in such Provisions as may be most suitable and convenient for sup-
 port of his Majesty's Garrison of Louisburg on Cape Breton, afore-
 said, and at the cheapest Rates that the markets will admit of.

And be it further Enacted by the Authority aforesaid, that the said
 Commissioners or Trustees for emitting Bills of Credit, established
 by Act of Assembly, be and they are hereby impowered and directed
 to pay unto them the said Col. Thomas Colvil, M^r Richard Gresham,
 Capt. Bartholomew Ennalls, Capt. David Willson, and Capt. William
 Hopper, Agents as aforesaid, or any three of them, the said Sum of
 three thousand Pounds; and to take the Receipt or Order of them
 the said Agents, or any three of them, for their Iustification. And
 that the said Commissioners or Trustees shall, and they are hereby
 directed to state an Account in the Books of the Office of the said
 Commissioners or Trustees aforesaid, by charging the Province of
 Maryland Debtor for the use of this Act, with the several Payments
 by them to be made to the Agents aforesaid, by virtue, and in Pur-
 suance of this Act.

And be it further Enacted, that his Excellency Thomas Bladen
 Esq^{re} do, by virtue of this Act, immediately upon the passing and
 perfecting the same, write to his Excellency William Shirley Esq^{re}
 Governour of the Massachusets Bay, at Boston, acquainting him that
 the Sum of three Thousand Pounds has been by the General Assem-
 bly of this Province provided and appropriated to his Majesty's
 Service, for Purchase of suitable Provisions towards supporting
 the Garrison of Louisburg at Cape Breton; as also half a Ton of Gun
 Powder, and two Ton and an half of Lead and Leaden Ball: And
 that this Province not being supplied with suitable Vessels for the
 safe freighting the said Provision and Ammunition, request he will
 order proper Vessels to be sent from Boston for the same; and like-
 wise to know at what Time such Vessel or Vessels may be expected.
 And that such Vessels may be adequate to the Tonnage, Quantity
 of such Provision, Be it further Enacted, that the said Agents, or
 any three of them, do and shall, and they are hereby directed, to give
 to his said Excellency Thomas Bladen Esq^{re} three Lists or Schedules
 of such Provision, and the Quantities and Qualities as they think
 may be the readiest had within this Province, to the Amount of the
 said Sum of three Thousand pounds, for the Service aforesaid; in-
 cluding in the said Schedules the said Powder and Lead for the
 Purpose aforesaid.

And be it further Enacted, that immediately upon Notice, or Return of an Answer from his said Excellency William Shirley Esq^{re} of the Time when such Vessel or Vessels may be expected into this Province, that his Excellency Thomas Bladen Esq^{re} or the Commander in Chief here for the Time being, do and they are hereby empowered to order the said Agents, or any three of them, to purchase the said Provisions in the aforesaid Lists or Schedule mentioned, or such of them as he the said William Shirley Esq^{re} shall direct for his Majesty's Service, towards Support of the Garrison of Louisburg aforesaid, and put the same, with the said Powder and Lead, on board such Vessel or Vessels as aforesaid; which said Powder, Lead, and leaden Ball, shall be and is hereby directed to be taken out of the publick Magazine of this Province.

L. H. J.
Liber No. 46
p. 473

And be it further Enacted by the Authority aforesaid, that the said Agents, or any three of them shall be and they are hereby empowered and directed, immediately upon Notice or Order to them given by his said Excellency Thomas Bladen Esq^{re} or the Commander in Chief for the Time being, to proceed to the purchasing the said Provisions for his Majesty's Service, towards Support of the Garrison of Louisburg aforesaid, agreeable to the Lists or Schedules aforesaid, and the Directions of the said William Shirley Esq^{re} and to the full Amount of the Sum of three Thousand Pounds current money aforesaid, deducting the Commission hereafter mentioned, and other incident charges; and when so purchased, the same, with the said Gun Powder, Lead, and leaden Balls, ship, or order to be shipped, on board such Vessel or Vessels as shall be so as aforesaid sent by his said Excellency Governour Shirley for the same; and when so shipped, and put on board, to take four Bills of Lading for the same, expressing therein Shipped by the Province of Maryland, for his Majesty's Service, towards support of the Garrison of Louisburg at Cape Breton, and consigned to his Excellency William Shirley Esq^{re} at Boston in usual Form; and one of the said Bills to send by such Vessel or Vessels as carry the said Provision and Ammunition, as also one by Post to his said Excellency William Shirley Esq^{re} at Boston; as also return one to the House of Delegates of this Province, at the next meeting of a General Assembly after shipping the same; and the other keep for the Justification of such Agents.

And be it further Enacted by the Authority aforesaid, that the said Agents, or any three of them shall, and they are hereby directed to keep a fair Account of what Purchase they shall make, in pursuance and according to the Direction of this Act, and of whom particularly made; as also of all the Moneys which they shall receive from the said Commissioners out of the Office aforesaid, and the Time when received, and Orders drawn for the same to whom, and at what Time; a fair Copy of which Account they the said Agents, or any three of them, are hereby ordered and directed to return to

L. H. J. the House of Delegates of this Province, at the next General Assembly to be held after the Purchase and Shipping of the Provisions
 Liber No. 46 aforesaid, for the Service herein before mentioned.

And that the said Agents may receive a Reward for their Care and Diligence, in the Execution of the Part herein of them required, and which they are directed and appointed to perform; Be it further Enacted by the Authority aforesaid, that the said Agents shall and may retain and keep in their Hands, out of the said Sum of three Thousand pounds, the Sum of five pounds per Hundred pounds for every Hundred Pounds so laid out by them the said Agents, and incident Charges arising in the Purchase of the Provisions aforesaid, and to and for the use and Purpose aforesaid, and by them shipped according to the Direction of this Act.

And that the Public Faith and Credit of this Province may be supported, and for the more effectual and speedy replacing and Repayment of the said Sum of three Thousand Pounds into the Office of the Commissioners or Trustees for emitting Bills of Credit established by Act of Assembly, Be it further Enacted by the Authority, Advice, and Consent aforesaid, that from and after the End of this Session of Assembly the Justices of each County in Court sitting, be, and are hereby impowered and authorized, from Time to Time as often as need shall require, to grant Licenses to such Person or
 p. 474 Persons as they shall think fit, being Persons of good Repute, to be Ordinary Keepers and Inn holders, for keeping of Ordinaries and Houses of Entertainment, in such and so many Places within their several and respective Counties, for the Ease and Conveniency of the Inhabitants, Travellers, and Strangers, as to them respectively shall seem meet; for which Licenses the said persons that shall be so licensed, to keep Ordinary as aforesaid, shall at the Time of his, her or their taking such License, pay the several Sums following, (that is to say) for every License to keep Ordinary in the City of Annapolis, the sum of five Pounds Current money, and for every License to keep Ordinary at any other Place within this Province, the Sum of fifty shillings Current money, for every year such Person shall keep Ordinary as aforesaid.

And be it further Enacted that during the Continuance of this Act all Ordinary Licenses shall commence and be renewed at every August Court, on pain that any Person or Persons then omitting or neglecting to renew their License, and shall continue to sell Liquor as an Ordinary Keeper, shall be liable to all the Penalties mentioned in this Act against Persons selling Liquors without License, and it shall also be lawful for the Justices to refuse granting such Persons Licenses for that year; and if they shall think fit to grant the same at the next or other Court following, the said Ordinary Keepers shall pay the full annual Charge for such License. Provided that any Person not having before had a License to keep Ordinary, may

at any Court other than August Court, have License granted if the Justices see fit, but to continue no longer than the August Court following, when it shall determine and may be renewed as others, for taking of which Licenses the Ordinary Keeper shall pay only in Proportion to the Time between his taking such License and August Court aforesaid. Provided also, that any Person now having License to keep Ordinary, which shall expire before August Court, seventeen Hundred forty and six, may also be allowed to take out further License until the said August Court, paying for such License a Fine only in Proportion to the Time as abovesaid.

L. H. J.
Liber No. 46

And be it further Enacted, That all and every Person taking Ordinary Licenses as aforesaid, shall at the Time of having such License granted, pay to the Sherifs of the respective Counties where such Person or Persons shall inhabit, the Fine or Sum to be paid for Ordinary Licenses before mentioned in this Act, which the said Sherifs respectively are hereby required and obliged by Virtue of their Office to receive, as well as to collect and receive all Fines and Forfeitures arising on the Breach of any Part of this Act by such Ordinary Keepers. And that the Clerk of each respective County, shall keep a true and exact Entry of all Ordinary Keepers, to whom such Licenses are granted, and of all Fines and Forfeitures relating thereto, and at every November Court shall deliver to the Justices a true List of all Ordinary Keepers in their respective Counties licensed as aforesaid, as also of all Fines and Forfeitures happening in that year, and shall also cause to be delivered the like List or Account to the Commissioners or Trustees for emitting Bills of Credit, on or before the twenty fifth Day of December yearly: And the said several and respective Sherifs are hereby obliged and required to pay all such Sum or Sums of Money as shall come to their Hands by Virtue of this Act for Ordinary Licenses, or Fines and Forfeitures, as aforesaid, to the Commissioners or Trustees aforesaid, on or before the last Day of April every year during the Continuance of this Act, to be by the said Commissioners or Trustees applied to the repaying the aforesaid Sum of three Thousand Pounds so as aforesaid borrowed and appropriated: For which said License, and Recognizance to keep good Rules and Order, as is hereafter directed, every Ordinary Keeper shall pay to the Clerk of each respective County Court the Sum of three Shillings, and no more.

And be it further enacted by the Authority aforesaid that the Justices of the several County Courts be, and are hereby authorized and empowered, at their several County Courts in the month of August yearly, or oftner, as they shall think fit to set and assess the Rates and Prices of all And other Accommodations whatsoever, in Current money of this Province, by them the said Ordinary Keepers to be vended for the year ensuing, and so yearly and every year, which Rates and Prices of all Liquors and other Accommodations

L. H. J. so to be set and assessed, limited and appointed, by the Justices
 Liber No. 46 aforesaid, shall be by their several and respective Clerks transcribed, and set up at the several and respective County Courts in some public Places there, that every Person may peruse the same, the Copy of which Table of Prices of Liquors and Accommodations, every Ordinary Keeper within each County is hereby obliged to keep set up in the most publick and convenient Place of their Houses, for the Perusal of such Persons as receive any Ordinary Accommodations, under the Penalty of five Pounds Current Money, to be collected, paid and applied as aforesaid, and on Non payment thereof to be sued for in his Lordship's name, by Bill, Plaint, or Information, or upon the Presentment of any Grand Jury, without the Formality of an Indictment, for which Table of Prices every Ordinary Keeper shall pay to such Clerk the Sum of two Shillings like money and no more: And every Ordinary-Keeper, or Innholder, who shall after the Assessing and setting up the Rates and Prices aforesaid, directly or indirectly take, exact, demand or receive, for the Price and Pay for any such Liquors or other Accommodations, for which the Rates and Prices shall be so assessed from any Person or Persons whatsoever, above the Rates and Prices so assessed, shall for every such Account charged, sued for, taken, or received, forfeit and pay the Sum of fifty Shillings Current money, to be collected, paid, and applied as aforesaid, and in Case of Suit on such Account, such Ordinary Keeper shall be non-suit, and pay the Defendant his full Cost of Suit, and for every such Account paid and Satisfied to any Ordinary Keeper, such Ordinary-Keeper shall on Complaint of such matter by the Party injured, to a single Magistrate, or County Court, be by such Magistrate or Court in a summary way ordered and compelled to restore to such Party injured, the whole Sum so before had and received on such Account, and his Cost on such Complaint, the said Forfeiture to be recovered in his Lordship's name before any Magistrate of the County where the Offence shall be committed as in Case of small Debts.

And be it Enacted by the Authority aforesaid, that the Party grieved shall be deemed a legal Witness (being under no Incapacity of being a Witness in other cases) to prove any Exaction or Extortion contrary to this Act.

And be it further Enacted by the Authority aforesaid, that every Ordinary Keeper, or Inn-holder, so to be licensed as aforesaid, shall, within six months after granting their respective Licenses, be hereby obliged to provide and maintain, if they keep Ordinary at the Court House in any County, four good and substantial Beds, or at the City of Annapolis aforesaid, six good Beds, over and above what is for their own Family's use, with sufficient warm Covering for the same; and Indian Corn, Oats, Hay, Straw and Stabling for ten Horses at least; and if any Ordinary be kept at any other Place or Part of the

County than at the Court House, such Ordinary Keeper shall, within the Time aforesaid, be provided with three spare Beds with Covering, and sufficient Stabling and Provender for six Horses at least, under the Penalty of ten Pounds Current money, one half thereof to the Commissioners or Trustees aforesaid, to be collected by the Sherifs of the respective Counties where the said Offence shall be committed, and by the said Sherifs paid to the said Commissioners, to be applied as aforesaid, the other Half to him or them that shall inform or sue for the same, to be recovered by Action of Debt, Bill, Plaint, or Information, in the name of the Lord Proprietary and Informer, wherein no Essoyn, Protection, or Wager of Law to be allowed.

L. H. J.
Liber No. 46

Provided always, that no Person or Persons so licensed, or to be licensed to keep Ordinary as aforesaid, shall, during the Time of such their keeping Ordinary, be Delegates, Justices of Peace, Attorneys, Deputy Commissaries, Clerks, Sherifs, Deputy Sherifs, or Iurymen, or hold any other publick Office within this Province.

And be it further Enacted, that if any Ordinary Keeper shall keep evil Rule in his House, upon Complaint made thereof to the Justices of the County Court, of such Ordinary Keeper's misbehaviour, or keeping evil Rule in his House, the said Justices of the County Courts are hereby authorized and impowered to suppress such Ordinary Keeper and call in such License.

And be it further Enacted by the Authority aforesaid, that in p. 476 Case any Ordinary Keeper shall keep An irregular or disorderly House, or shall misbehave him or her self, contrary to the Directions of this Act, that it shall and may be lawful for any two Justices of the Peace of the County where such Ordinary shall be kept (one of them being of the Quorum) upon Complaint, or upon their own View, to suspend such Ordinary Keeper until the next County Court, which County Court may hear and finally determine the matter, and either suffer such Ordinary Keeper to keep Ordinary longer, or intirely to suppress such Ordinary.

And be it likewise Enacted by the Authority aforesaid, that if any Person so suspended, shall presume, during the Time of such Suspension, to keep Ordinary, that in all such Cases he or she shall incur the same Penalty and Forfeiture as persons keeping Ordinary without License are subject to by this Act.

And be it further Enacted by the Authority aforesaid, that any Ordinary Keeper disabled or suppressed as aforesaid, or any other Person that shall presume to keep Ordinary without License first had and obtained as aforesaid, shall, for every month, he, she, or they shall keep Ordinary, forfeit and pay ten Pounds Current money, and so proportionably for a longer or shorter Time, that any Person shall sell Liquors, or do contrary to this Law, one half to the Commissioners or Trustees aforesaid, to be collected and paid by the

L. H. J. Sherifs as aforesaid, and by the said Commissioners or Trustees applied as aforesaid, and the other half to him or them that shall sue for the same, to be recovered in the County Court where such Offence shall be committed, in the name of the Lord Proprietor and Informer, by Action of Debt, Bill, Plaint, or Information, wherein no Essoyn, Protection, or Wager of Law to be allowed.

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And be it further Enacted by the Authority aforesaid, that no Person or Persons inhabiting within this Province, not having lawful License, shall sell by Retale unless sold at the common and usual Rates of such Liquors between Merchants and others, any Cyder, Quince Drink, or other strong Liquors, to be drank in his her or their Houses, or about his her, or their Plantation, upon the Forfeiture of every Time he, she, or they shall be legally convict thereof, the sum of five Pounds Current money, one half thereof to the Commissioners or Trustees aforesaid, to be collected, paid, and applied as aforesaid, and the other half to the Informer, or to him or them that shall sue for the same, to be recovered as aforesaid.

And be it further Enacted by the Authority aforesaid, that all licensed Ordinary Keepers shall be provided with and sell by sealed measures, all Liquors (except such as shall come into the Province in Bottles) And that any Ordinary Keeper who shall neglect to provide and always keep a Quart, Pint, Half Pint, and Gill Pot, or any of them, sealed measures, or neglect to sell by the same as aforesaid, shall forfeit and pay five pounds Current money, to the uses aforesaid, to be collected and applied as aforesaid, and recovered in the County Court where the Ordinary Keeper offending resides, in the names of the Lord Proprietor and Informer, by Action of Debt, Bill, Plaint or Information, wherein no Essoyn, Protection, or Wager of Law to be allowed.

And whereas it hath been found prejudicial to the Inhabitants of this Province, that Ordinary Keepers and Innholders have frequently entertained, diverse loose, idle and disorderly Persons, a great Time tipling at their Houses, as well to the great Damage of many Persons, as their own Ruin.

Be it therefore Enacted by the Authority aforesaid, that it shall not be lawful for any such Ordinary Keeper or Innholder to keep such Ordinary or House of Entertainment, until he or she give good and sufficient Security by Bond or Recognizance to the Right honourable the Lord Proprietor, his Hiers and Successors, in twenty Pounds Current Money, before the Justices of the County Court where any Ordinary shall be kept, to keep good Rules and Orders, and not to suffer idle, loose, or disorderly Persons, to tipple, game, or commit other Disorders or Irregularities in such Ordinary, contrary to the true Intent and meaning of this Act, and that upon the Breach of any such Bond or Recognizance, the Recovery of the

one half for the use of the Commissioners or Trustees aforesaid, L. H. J. Liber No. 46
to be collected, Paid, and applied as aforesaid, and the other Half
to the Informer.

And whereas daily Experience shews the great Prejudice to the Owners and Masters of Merchant Ships and Vessels trading into this Province by Ordinary Keepers entertaining Sailors and others to such Ships, and Vessels belonging, and trusting and encouraging them to continue tipling in their Houses, to the Prejudice of Trade preventing and impeding the Dispatch of such Ships and Vessels, and very often when such Sailors have spent all their Wages in such Ordinaries, it occasions and induces them to run away, and desert the Ships or Vessels whereto they belong, For Prevention whereof.

Be it enacted by the Authority aforesaid, that no Ordinary Keeper whatsoever within this Province shall presume to harbour or entertain any Sailor or Sailors or other Person employed in loading of Ships or Vessels (the master and mate only excepted) to the neglect of their Service to their respective Commanders, and Prejudice to the Dispatch of any Ship or Vessel thereby under the Pain and Penalty of being suspended from keeping such Ordinary: And that no Ordinary Keeper whatsoever, shall credit any such Sailor for more than five shillings during any one Voyage, under the Penalty of losing his Debt, and of being fined the sum of twenty Shillings Current Money, whereof one half to be collected, paid, and applied as aforesaid, and the other Half to the Informer or him or them that will sue for the same, to be recovered as aforesaid, before a single magistrate.

And be it further Enacted by the Authority aforesaid, that if any Ordinary Keeper within this Province, shall harbour, entertain, or sell any Liquor to any Servant belonging to any Person within this Province, without License from their respective Master or Mistress, such Ordinary Keeper shall, for every such Offence, forfeit and pay ten shillings to the Master or Mistress of such Servant, to be recovered with Cost, upon Complaint of the said Master or Mistress, before a Justice of the County where the said Ordinary Keeper lives.

And whereas it is a general Complaint throughout this Province, that Ordinary Keepers have made it their constant Practice, to entertain Tradesmen and other Persons having Families, and no other means of supporting them but their own Labour and Industry, and single disorderly Persons, tipling and gaming, in their Houses, and wasting their Time and Substance, to the Ruin of their Families, and themselves, and the Encouragement of Idleness, Drunkenness, and all other Irregularities and Disorders: For Prevention of which Evil for the future, Be it Enacted by the Authority aforesaid, that no Person who shall be licensed to keep Ordinary from and after the End of this Session of Assembly, shall suffer any Tradesman or other Person having a Family, and no visible Estate whereby to support themselves or their Families, but their own Labour and Indus-

L. H. J. try; or any single person whether Tradesman or otherwise, not
 Liber No. 46 having a visible Estate, to tipple or game in such Ordinary; other
 than such as shall be invited by any Traveller, and shall accompany
 him only during his necessary Abode there, and other than Persons
 travelling upon their necessary Occasions (so far distant from their
 own Habitations as may render it impracticable or inconvenient to
 repair thither) to take their Diet, and other necessary Accommoda-
 tions, in such Ordinary, and other than such as may happen to be
 confined in such Ordinary by Sickness, Severity of weather, or other
 Accident, on Pain of not being paid for any Liquor or other Ac-
 commodation which such Ordinary Keeper shall supply such Person
 with, or which shall be lost by any such Person at any Games.

Provided always, That no Ordinary Keeper shall be restrained
 from supplying any of the Persons herein before mentioned, with
 Victuals or Liquors in moderate and necessary Quantities, so as no
 Ordinary Keeper shall trust any such Person for more than five
 Shillings, or the Value thereof, in any one year, except in such
 Cases as herein before mentioned, to be judged of by any Judica-
 ture having Cognizance of any Dispute concerning such Expences.

And be it Enacted by the Authority aforesaid, That in any Action
 in a Court of Justice, or Dispute before a single Magistrate, between
 any Ordinary Keeper and any Person in this Act described, such
 Court, and the Jury in any Trial by a Jury, or single Magistrate,
 shall by Virtue of this Act consider and enquire, whether any Debt
 so sued for or claimed before a single Magistrate, be contracted
 contrary to the true Intent and meaning of this Act, and if it shall
 appear to such Court, Jury or Magistrate, that such Debt was con-
 tracted contrary to this Act, that then the Plaintiff shall be non-suit
 and the Defendant recover his Cost of Suit: And that in Case any
 Action or Demand shall be brought on any obligation under the
 Hand and Seal of any such Person, or upon any note or writing
 under the Hand only of the Defendant or Debtor, or if any such
 Obligation note or Writing shall be given in Evidence to support
 such Action or Demand, it shall and may be lawful for the Defendant
 or Debtor in every such Action or Demand, to plead the general
 Issue, and that then and in every such Case, Action, or Demand, it
 shall be incumbent on the Plaintiff, to prove for what Consideration
 p. 478 such Obligation, note or writing was past, and if such Plaintiff does
 not prove the same not to have been past for some other Consid-
 eration than Liquor, or other Accommodations sold or lost as afore-
 said, or prove that such Liquor or Accommodations was absolutely
 necessary, and not sold or furnished contrary to the true Intent and
 meaning of this Act, the Plaintiff shall be non-suit, and the Defen-
 dant shall recover the Cost of Suit. And be it further Enacted by the
 Authority aforesaid, that in Case it shall appear to any Court or
 Magistrate, that any Part of any Account to be sued for, or de-
 manded, or any Part of the Consideration, for which any Obligation

or note shall be taken or past, shall be for Liquors or Accommodations supplied or sold, or any Money, Tobacco, or Liquor, won at gaming contrary to this Act, that then and in every such Case the Plaintiff shall recover only what shall appear to be due, exclusive of any Liquor or other Accommodations, supplied or provided contrary to this Act, and the Defendant shall be discharged from the Residue and recover the full Cost of Suit; any Law, Usage or Custom to the contrary notwithstanding.

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And be it further Enacted, That all Mortgages, Obligations, or other Securities, which shall be taken in Trust for any Ordinary Keepers, shall be absolutely void, unless such Mortgage, Obligation, or other Security, shall be assigned or transferred to any other Person being a Stranger to such Trust for a valuable Consideration, and in case of such Assignment or Transfer, that such Trustee shall forfeit and pay double the Principal Sum mentioned in such Mortgage, Obligation or Security, one half to the Commissioners aforesaid, to be collected, paid, and applied as aforesaid, and the other half to him or them who will sue for the same, to be recovered in the Names of the Lord Proprietary and such Informer, by Action of Debt, Bill, Plaint, or Information, wherein no Essoyn, Protection, or Wager of Law shall be allowed. And for the better Discovery of such Trusts.

Be it Enacted, That every Trustee or suspected Trustee as aforesaid, shall be obliged by Virtue of this Act, to answer Interrogatories upon Oath, or Affirmation if a Quaker, concerning such Trust, which Examination shall be received as Evidence in any Trial concerning such Trust, and if any such Trustee, or suspected Trustee, shall refuse to be so examined, such Refusal shall be deemed and taken to be sufficient Evidence to prove the Fact, and that every Trustee, or suspected Trustee submitting to be and being so examined, and not answering truly to such Interrogatories, and being thereof legally convict by Confession, or Verdict of a Jury, shall suffer as in Case of wilful and corrupt Perjury.

And be it further Enacted, That the Justices of the respective County Courts, shall give such Part of this Act as relates to Ordinary Keepers and Inn-holders in charge to the several Grand Juries, and to their several and respective Constables, in their said County, to enquire into the Breach of this Act, and into all Disorders committed in the said Ordinaries, and present the same, if any be, to the several Courts, to be examined and punished according to Law.

And be it further Enacted, That an Act of Assembly made at a Session of Assembly, begun and held at the City of Annapolis, the twenty eighth Day of October, one thousand seven Hundred and twelve, entituled, An Act restraining Victuallers and Keepers of Public Houses from entertaining of Sailors to the Prejudice of Trade and Commerce, be and is hereby repealed, abrogated, and made null and void.

L. H. J. And further for the Replacing of the said Sum of three Thousand
 Liber No. 46 Pounds, Be it likewise Enacted by the Authority, Advice and consent aforesaid, That from and after the End of this Session of Assembly the Sum of forty Shillings Current money shall be paid for every Horse, Mare, or Gelding, brought into this Province for Sale, either by Land or Water, by the Person or Persons bringing in or importing the same.

And be it further Enacted, That any Person or Persons bringing in or importing any Horse, Mare or Gelding, or Horses, Mares, or Geldings, by Land or Water, shall immediately, and before exposing such Horse, Mare, or Gelding, or Horses, Mares or Geldings, to Sale, enter the same with the Clerk of the County Court where such Horse, Mare, or Gelding, or Horses, Mares, or Geldings shall be
 p. 479 imported by Water, or the first or second County through which they shall be brought by Land, and immediately upon such Entry pay unto the Clerk with whom such Entry shall be made, the said Duty or Sum of forty shillings, for every such Horse, Mare, or Gelding, or Horses, Mares. or Geldings, so imported, or brought in, as aforesaid.

And be it further Enacted, That such Entry shall contain the Colour, Natural and artificial marks, of every such Horse, Mare, or Gelding, or Horses, Mares or Geldings, so as aforesaid imported and entered: And that upon the Payment of the Duty and Entry being made as aforesaid, such County Clerk shall, and he is hereby directed, to give to such Bringer in, or Importer, so paying and entering as aforesaid, a Copy of such Entry, with a Receipt for the Duty aforesaid, signed with such Clerk's proper name, and under the Seal of the same County, for which Entry, Copy, and Seal, the said Importer shall pay unto such Clerk, in full of all Fees, the Sum of one Shilling Current money, for each Horse, Mare or Gelding, so entered and certified as aforesaid.

And be it further Enacted, That every County Clerk within this Province, with whom such Entry shall be made, as is by this Act directed, shall, and he is hereby obliged to pay the said Duty, so by him or them received, at the next sitting of the County Court, in open Court to the Sherif of the same County, and an Entry thereof make in the Records or Proceedings of the same Court, on Pain of forfeiting and paying the Sum of five Pounds like money, for each Horse, Mare, or Gelding, so entered, and Duty omitted by him to be paid as aforesaid, to be recovered and applied to the uses herein mentioned.

And be it likewise Enacted, That the Justices of every County Court, where such Entries and Duties have been made and paid, shall, and they are hereby directed to order the Clerk of the same County to return an Account of the Yearly Amount of such Duty, and by whom paid, distinctly made, at every August Court, to the

Commissioners or Trustees for emitting Bills of Credit, established by Act of Assembly, every year, during the Continuance of this Act; and every such County Clerk is, and they are hereby obliged to return such Accounts, distinctly and fairly made out, as aforesaid, for which an Allowance shall be made to such County Clerk, for his legal Fees, in the County Levy.

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And be it likewise Enacted, That the Sherif of every respective County within this Province, who shall receive any of the Duty herein before mentioned, arising on the Bringing in or Importation of Horses, Mares or Geldings, shall, and they are hereby directed, in Virtue of their Office, to pay the same unto the Commissioners or Trustees for emitting Bills of Credit, established by Act of Assembly, before the last Day of April yearly, and so every year during the Continuance of this Act, to be by them the said Commissioners applied to discharge and repay the said Sum of three Thousand Pounds.

And be it further Enacted, That if any Person or Persons whatsoever, shall bring or import, by Land or Water, any Horse, Mare, or Gelding, or Horses, Mares or Geldings for Sale, and shall presume to sell or expose the same to Sale, before such Entry and Duty paid as is herein before directed, and Copy of such Entry, and Receipt for the said Duty, so as aforesaid had and obtained, shall forfeit for every such Horse, Mare or Gelding, so sold or exposed to Sale as aforesaid, to the right honourable the Lord Proprietary of this Province, the sum of ten Pounds Current money, one Half to the Informer who shall sue for the same, the other half to be applied to the uses in this Act herein before mentioned.

And be it likewise Enacted, That any Person or Persons within this Province, who shall purchase or buy any Horse, Mare, or Gelding, or Horses, Mares or Geldings, imported or brought in for Sale, before the Entry and Payment of the Duty aforesaid, shall forfeit and pay to the Right honourable the Lord Proprietary, for every such Horse, Mare, or Gelding, so by them bought before Entry and Payment of Duty as aforesaid, the Sum of ten Pounds; one Moiety whereof to the Informer, or who shall sue for the same, the other to be applied to the Uses and Purposes in this Act before mentioned.

And be it further Enacted That the Forfeitures herein before mentioned, relating to the Importation of Horses, Mares, or Geldings, shall and may be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Essoyn, Protection, or Wager of Law shall be allowed.

And be it further Enacted, That if any Part of the Fines and Forfeitures heretofore arising on Ordinary Licenses, by Virtue of an Act entituled, An Act for raising and issuing money, for maintaining his Majesty's Forces to be raised in this Province, and for transporting them to the Place of Rendevous in the West Indies,

L. H. J. that hath been paid to any of the Sherifs heretofore, or now being
 Liber No. 46 within this Province, and which shall not be paid unto the Commis-
 sioners or Trustees for emitting Bills of Credit, established by Act
 of Assembly according to the Directions of, and to the uses and Pur-
 poses in the said Act, before the twenty fifth Day of December next
 ensuing; that then, and for Default of such Payment, the Attorney
 p. 480 General of this Province shall, and he is hereby directed, upon Ap-
 plication from the said Commissioners or Trustees, to sue the Bonds
 of such Sherifs, or the Executors or Administrators of such Sherifs,
 or their Bondsmen, according to the Year wherein the Deficiency
 appears, or the Nature of the Case requires or will admit, for the
 Recovery of such Sum or Sums of Money as appears to be due for, or
 by means of the Purposes in the said Act mentioned. And the said
 Commissioners or Trustees are hereby required to give to the said
 Attorney General for the Time being, at or before the first Day of
 February next ensuing, a List of such Sherifs as have been deficient
 in making Payment, and the Years when the same became due re-
 spectively; as also Directions to sue such Sherif's Bonds as herein
 before directed.

And be it likewise Enacted, That if any Sherif or Sherifs within
 this Province, who shall receive any of the Fines, Forfeitures, or
 Duties, in this Act mentioned, and shall not as herein before directed
 pay the same to the said Commissioners or Trustees for emitting
 Bills of Credit, yearly, as by this Act is herein before directed; that
 then and in such case, the said Commissioners or Trustees shall, and
 they are hereby directed to order the Attorney General for the Time
 being, to put the Bonds of such Sherifs in Suit, for the Recovery
 thereof.

And be it further Enacted, That in Case it shall appear to the
 Justices of any County Court within this Province, that any Licensed
 Ordinary Keeper by Virtue of the Act entituled, An Act for raising
 and issuing money for maintaining his Majesty's Forces to be raised
 in this Province, and for transporting them to the Place of Ren-
 devour in the West Indies, within their respective Counties, have not
 paid the Fines which by the said Act were payable, that then and in
 such Case, they the said respective Justices shall, and they are hereby
 authorized and directed to order the Clerk of Indictments of their
 respective Counties to sue and implead such Ordinary Keeper, and
 his or their Surety or Sueties for the Recovery of such Fine or
 Fines; and such Clerk of the Indictments, and every of them be and
 are hereby directed and authorized to prosecute the same to Effect,
 and upon Recovery of such Fines, or money due, the said Iustices
 of each respective County Court are hereby directed to order the
 respective Sherifs to receive the same; and when so received, to pay
 the same according to the Directions of the last above mentioned
 Act, to the Commissioners or Trustees for emitting Bills of Credit,

established by Act of Assembly, and to the same Purposes and Uses as therein directed; and the said several and respective Sheriffs within this Province are, in Virtue of their Office hereby ordered and directed to receive and pay the same accordingly.

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And be it further Enacted by the Authority aforesaid, That this Act, and every matter and Clause therein shall be and continue in full Force and Virtue, until the said Sum of three Thousand Pounds shall be fully replaced, paid in, and satisfied unto the said Commissioners or Trustees for emitting Bills of Credit, established by Act of Assembly, and until the End of the next Session of Assembly which shall happen thereafter, And that in Case any Sum or Sums shall happen to remain and be over and above the said Sum of three Thousand Pounds, either received by the said Commissioners or Trustees, or other Persons, by Virtue of this Act, the said Trustees, Sheriffs, or those in whose Hands the same shall be, shall account for the same to the next General Assembly; and such Overplus is hereby appropriated and directed to be applied towards defraying the publick Charge of this Province

And be it likewise Enacted, That the said Commissioners or Trustees for emitting Bills of Credit; shall and they are hereby directed to place to the Credit of the Account of the Province of Maryland, for use of this Act, herein before directed to be stated, all moneys by them to be received in virtue of this Act, distinguishing the Head on which the same shall be, by whom and when paid.

And be it further Enacted, That the several and respective Sheriffs within this Province, for the Receiving and Payment of the several and respective Fines, Duties and Forfeitures, in this Act mentioned, and paying the same unto the Commissioners or Trustees for emitting Bills of Credit, shall have the Sum of five pounds for every Hundred Pounds by them so received and paid as herein directed.

And Whereas from his Majestys great Goodness and Paternal Care over all his People, we humbly presume it will not be disagreeable to his Royal Pleasure, in order to enable us his most loyal, liege, and dutiful Subjects, at all Times, by an Agent in London, to approach his most sacred person on all urgent and proper Occasions, that we raise and levy on our selves a Sum sufficient for the support of an Agent their for such Purposes. It is therefore prayed that it may be Enacted.

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And be it Enacted by the Authority Advice and Consent aforesaid, that there shall be levied a Duty or Impost of two Pence Sterling for every Hogshead of Tobacco which shall be exported in any Ship or Vessel out of this Province, from and after the End of this present Session of Assembly, for and during the Continuance of this Act, to be collected and received by the several and respective Naval Officers in this Province, in the same manner as other Duties on Tobacco

L. H. J. have heretofore been, or are now received and collected; and from
 Liber No. 46 Time to Time by the said Naval Officers shall be paid, in good Bills
 of Exchange to Col. Edward Sprigg, and by him transmitted to
 James Buchanan Merchant in London, to be placed to the Credit of
 an Account by him to be stated and kept for the House of Delegates
 of Maryland; which money by him so received shall be applied ac-
 cording to the Directions of the said House of Delegates, for the
 Payment of an Agent there, and defraying other incident Charges
 attending the Service of this Province

An be it further Enacted by the Authority, Advice, and Consent
 aforesaid, That every Merchant, Factor Master, or Commander,
 of any Ship or Vessel exporting Tobacco out of this Province, shall,
 before his or their Clearing such Ship or Vessel, or taking his or
 their Dispatch or Dispatches for the same, pay unto such Naval
 Officer or Officers with whom he or they shall clear and take such
 their Dispatch or Dispatches, the sum of two Pence Sterling for
 every Hogshead of Tobacco, or Quantity of an Hogshead, on board
 his or their Ship or other Vessel, or give good and sufficient Bills
 for the same, drawn on some Merchant in Great Britain.

And be it further Enacted by the Authority aforesaid, That the
 said Col. Edward Sprigg may, and is hereby enabled to receive the
 said Bills of Exchange from the several and respective Naval Offi-
 cers, and transmit them to James Buchanan, Merchant in London,
 and the money on them due, when received by him, shall be placed
 to the Credit of the House of Delegates of Maryland, to be retained
 in his Hands for the Use or Uses as aforesaid, subject only to be
 paid according to the Order or Orders of the House of Delegates
 of Maryland; which said Order or Orders shall be placed to the
 Debit of the Account aforesaid.

And be it further Enacted, That the said James Buchanan shall
 and may, and is hereby impowered to dispose of the money arising
 by and from such Duty or Impost aforesaid, according to the Direc-
 tion and Order of the House of Delegates as aforesaid only.

And be it further Enacted, That in Case any of the Bills of
 Exchange, to be paid by the said Naval Officers for the Duty and
 Impost as aforesaid, shall be protested for want of Payment, that
 then the said James Buchanan shall, and he is hereby enabled to
 return the same under Protest unto the said Col. Edward Sprigg.

And such Naval Officer or Officers are hereby required and di-
 rected to pay unto the said Col. Edward Sprigg good and sufficient
 Bills of Exchange, in lieu of and for such Bills so protested, with
 the Damages allowed by Law, to be by the said Col. Edward Sprigg
 transmitted to the said James Buchanan, for the Use aforesaid.

And be it further Enacted, by the Authority, Advice and Con-
 sent aforesaid, that for receiving and paying the Duty and Impost
 aforesaid, the said Naval Officer shall be allowed the Sum of eight

Pounds per Hundred for every Hundred Pounds so to be collected and paid, and so pro rata for a greater or less sum; and they are hereby obliged and required to return an Account of their Transactions in Relation to said Duty, on Oath, to the House of Delegates, when the said House shall meet, at any Time during the Continuance of this Act, and a final Account to the first House of Delegates that shall meet after the Expiration thereof.

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And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That the said Col. Edward Sprigg shall enter into Bond with two good Sureties in the Sum of two Thousand Pounds Sterling, to render a just and true Account to the House of Delegates of Maryland, of what moneys he shall receive by Virtue of this Act, and how the same hath been applied; which Bond he shall enter into before some one of his Lordship's Justices of the Provincial Court, who is hereby empowered to take the same, payable to the Lord Proprietary for the Use of the House of Delegates of the Province of Maryland, and such Bond return into the Secretary's Office, there to be kept.

And be it further Enacted, That the said Col. Edward Sprigg shall receive the sum of five Pounds per Hundred, for receiving, remitting and paying the moneys arising for the aforesaid Impost or Duty, according to the Directions of this Act, and so pro rata for a larger or lesser sum.

And be it further Enacted, That from and after the End of this present Session of Assembly, in Case of Shipwreck or other Loss of any Ship or Ships, Vessel or Vessels, so that the Tobacco therein laden be lost before the Delivery of each Ship or Vessel at the intended Port, that then the master, Merchant, or Owner, of such Tobacco so loaden and lost as aforesaid, who shall have paid the Duties aforesaid, shall have the Liberty to ship at some other Time, so many Hogsheads of Tobacco as they had formerly paid Impost money for as aforesaid, free and clear of any of the said Impositions.

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Provided, That in case of the Death or Removal out of this Province of the said Col. Edward Sprigg, that then and in such Case the said Sum of two Pence Sterling per Hogshead shall be by the said Naval Officers paid to Philip Hammond Esq^{re} for the uses and Purposes aforesaid; who shall and he is hereby directed to give the like Security, and in like manner, as by this Act the said Col. Edward Sprigg is directed to give; and that he the said Philip Hammond retain the like Commission, and transmit the said Duty, as herein before directed, to and for the uses and Purposes aforesaid.

Provided always, That in case of the Death of the said James Buchanan, that then and in such Case the said Col. Edward Sprigg, or Philip Hammond Esq^{re} or which of them shall at such Time negotiate the matters in this Act by them, or either of them, to be negotiated, shall transmit such Bills of Exchange to M^r William Hunt

L. H. J. Merchant in London; and likewise order whatever Ballance shall
 Liber No. 46 remain in the Hands of the said James Buchanan, his Executors or
 Administrators, into the Hands of him the said William Hunt, who
 is hereby empowered to transact, pay, and apply the same manner,
 as he the said James Buchanan is herein before directed.

The Indorsements are as follow : viz.

By the Lower House of Assembly, August 17. 1745, Read the
 first Time, and ordered to lie on the Table.

Signed per Order, W^m Tilghman, Cl. Lo. Ho.

By the Lower House of Assembly, August 19. 1745. Read the
 second Time, and will pass.

Signed per Order W^m Tilghman, Cl. Lo. Ho.

By the Upper House of Assembly, 20 August. 1745, Read the first
 Time, and ordered to lie on the Table.

Signed per Order I. Ross, Cl. Up. Ho.

By the Upper House of Assembly 20 August 1745, Read the
 second Time by especial Order, and with the Amendments proposed
 in a Message herewith sent, will pass.

Signed per Order, I. Ross Cl. Up. Ho.

By the Upper House of Assembly, 23 August 1745, Read, and
 will not pass.

Signed per Order I. Ross Cl. Up. Ho.

On Motion of a Member for Leave to bring in a Bill for laying
 out the Town anew commonly called Princess Anne Town in Somers-
 set County; Leave given.

The House adjourns until To Morrow Morning, at 9 of the Clock

August 24

Saturday Morning, August 24. 1745

The House met according to Adjournment, All members present
 as yesterday, except M^r Barnes, The Proceedings of yesterday were
 read.

W^m Stoughton Esq^{re} brings in a Bill, entituled, An Act for lay-
 ing out the Town a-new commonly called Princess Anne Town in
 Somerset County; which was read the first Time, and ordered to lie
 on the Table.

M^r Harris hath Leave of the House to go out of Town

On motion of a member for Leave to bring in a Bill for the Trial
 of all matters of Fact in the several Counties where they have arisen,
 or shall arise; Leave given, and Ordered, That the Committee of
 Laws prepare and bring in a Bill accordingly.

Resolved, That the Governour's Message, in Answer to an Ad-
 dress of this House concerning the one Pound of Tobacco per Poll,

levied upon the Taxable Inhabitants of this Province, be taken into
Consideration on Tuesday next.

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M^r Thomas Hammond, and M^r Thomas, have leave of the House to go Home.

M^r Smith, from the Committee of Elections and Privileges, brings in the following Report, viz.

By the Committee of Elections and Privileges, August 23. 1745 Your Committee, having inspected the Writs directed to the several Sherifs, and to the Mayor, Recorder, and Aldermen of the City of Annapolis, with the Indentures thereunto annexed, do find That M^r Zachariah Bond, M^r Samuel Abell, and M^r Abraham Barns, are duly returned for St. Mary's County, and that M^r James Mills is also returned a member for said County; but that your Committee being informed that the Polls taken for the said Mills, and M^r James Swan were equal, whereupon the Sherif of said County gave his Voice in favour of said Mills, and declared his Election accordingly. The Legality of which is submitted to the House.

That M^r Richard Gresham, M^r George Wilson, M^r John Gresham, and M^r Matthias Harris, Members returned for Kent County, are duly returned.

That Maj. Henry Hall, D^r Charles Carroll, M^r Philip Hammond, and M^r Thomas Worthington, members returned for Anne Arundel County, are duly returned.

That M^r Walter Smith, M^r Joseph Hall, M^r John Brome, and M^r James John Mackall, Members returned for Calvert County, are duly returned.

That M^r Bayne Smallwood, M^r Richard Harrison, M^r William Wilkinson, and M^r John Courts, Members returned for Charles County, are duly returned.

That William Stoughton Esq^{re} Capt. David Willson, M^r John Dennis, and Col. Robert King, Members returned for Somerset County, are duly returned

That M^r John Goldsborough, M^r Robert Lloyd, M^r William Thomas, and M^r Nicholas Goldsborough, Members returned for Talbot County, are duly returned.

That Col. Henry Hooper, Capt. Bartholomew Ennalls, and M^r Philemon Leconte, are duly returned for Dorchester County, and that M^r Daniel Sulivane is also returned a member for said County; But your Committee being informed, that the said Sulivane acted as under Sherif in the said County long before and after notice given of the Time of the Election for said County; We therefore submit it to your consideration, whether the said M^r Sulivane his acting as under Sherif as aforesaid, disqualified him from being elected a member of your House.

L. H. J.
Liber No. 46

That M^r Benjamin Pearce, M^r Nicholas Hyland Col. Thomas Colvil, and M^r Joshua George, Members returned for Cecil County, are duly returned.

That M^r Thomas Sherredine, Col. John Hall, Doctor George Buchanan and Capt. John Paca, Members returned for Baltimore County, are duly returned.

That Col. Edward Sprigg, John Addison Esq^{re} M^r Osborn Sprigg, and M^r Turnor Wootton, Members returned for Prince Georges County, are duly returned.

That Capt. Robert Gordon, and M^r Stephen Bordley, Members returned for the City of Annapolis, are duly returned.

That M^r Thomas Wilkinson, M^r Grundy Pemberton, M^r William Hopper, and M^r Thomas Hammond, Members returned for Queen Ann's County, are duly returned.

That Col. John Henry, M^r John Purnell, M^r Abraham Outten, and M^r Parker Selby, Members returned for Worcester County are duly returned.

All which your Committee submit to the Consideration thereof 'til Wednesday next.

M^r Smith from the Committee appointed to examine into the Allegations contained in the Petition of John Hussey of Prince Georges County, brings into the House a Deed of Bargain and Sale made and executed between the Petitioner and John Awbrey of Virginia, with a Receipt thereon for the Consideration money for the Land by the said Deed conveyed, and likewise the Deposition of Thomas and Francis Awbrey, proving the Execution thereof, All which the House taking into their Consideration, the Petition is granted.

Resolved, That the Governour's Message, in Answer to an Address of this House, concerning Fines, Forfeitures, and Provincial Amerciaments, be taken into Consideration on Monday next.

M^r Goldsborough from the Committee of Aggrievances and Courts of Justice delivers M^r Speaker the following Report, viz.

By the Committee of Aggrievances and Courts of Justice

Your Committee take Leave to remember your honourable House
p. 484 that at a Session of Assembly held at the City of Annapolis on the first Day of May 1739, a Report was then made by the Committee of Aggrievances and Courts of Justice, dated the 28th Day of the same month, signifying, that contrary to the Laws, constant Custom, and Right, of his Majesty's Subjects in this Province, the right honourable the Lord Proprietary, and his Council of State, had taken upon them a Power by Proclamations to ascertain the Quantity of Fees to the Officers and Ministers of Courts of Justice; with which Report the House concurred, and to which Proceedings your Committee refer.

Your Committee further represent, that by an Act for the speedy Tryal of Criminals, and ascertaining their Punishment in the County Courts, when prosecuted there; and for Payment of Fees due from Criminal Persons, It is Enacted "That from henceforth no Sherif, "Jaylor, Clerk, Cryer, or other Officer, shall charge either their own "County to which they belong, or the Publick, with any Fees for "any Criminal committed to the Charge of the said Sherif or Jaylor, "having sufficient Estate in this Province wherewith to pay the "same, or being capable to pay the same by Servitude; but that such "Criminals being discharged by Order and due Course of Law, shall "pay their own Fees, to the Sherif, Jaylor, Clerk and Cryer, and "other Officers, being such as they may demand according to Law, "either out of his Estate, or by Servitude, or otherwise, And by "the same Act it is further Enacted, That all Officers Fees due by "Law for Criminal Servants, shall be paid by the County where "the Fact shall be committed; and that all and every such Criminal "Servants for whom the County shall pay the Fees due by Law to "such Officers as aforesaid, shall after the End and Expiration of "their Time of Servitude, to their Master or Mistress, satisfy and "pay to the Commissioners of the County, who paid such Fees for "them to the Sherif and other Officers as aforesaid, for the Use of "the County, such Sums as they have paid as aforesaid: And the "several Commissioners of the several Counties shall and hereby "impowered to make Inquisition after all such Servants Criminals, "for whom the County hath defrayed the said Fees to the Sherif "and other Officers as aforesaid; and they the said Commissioners, "according to their best Discretion, shall cause to be entered Rules "for the Servants to make such reasonable Satisfaction to the "County, as they shall think fit, and in such manner as they shall "find convenient." By which Act it appears to your Committee that the Magistrates of the County Courts are not authorized to assess and levy upon the People of the several Counties, any of the said Fees, but what are allowed by Law. Your Committee humbly conceive, that the Magistrates in the several Counties taking upon themselves to allow in their respective County Levies, the Fees aforesaid not warranted by Law, is contrary to the Power vested in them: And that the assessing and levying such illegal Fees, is a Grievance, and that such Oppression tends to alienate the Affections of the People from his Lordship's Government. But is humbly submitted to the Consideration of your House.

Signed p Order E. Dorsey Cl. Com.

Which being read, a Question was put, Whether the House doth concur therewith or not? Resolved in the Affirmative.

L. H. J.
Liber No. 46

For the Affirmative		
M ^r Bond	M ^r Courts	M ^r John Hall
Abell	Smallwood	Buchanan
Mills	Harrison	Wootton
G. Willson	W. Wilkinson	Sprigg
I. Gresham	N. Goldsborough	Addison
R. Gresham	Lloyd	Bordley
Carroll	Hooper	Pemberton
P. Hammond	Ennalls	T. Wilkinson
Worthington	Lecompte	T. Hammond
H. Hall	George	Hopper
Smith	Pearce	Selby
Jos. Hall	Hyland	Outten
Brome	Sherredine	
Mackall	Paca	

For the Negative

M ^r Stoughton	M ^r Dennis	M ^r Gordon
King	Sulivane	Purnell
D. Willson	Colvil	

Resolved, That the House will take the said Report into their Consideration on Monday next.

The House adjourns 'til To-Morrow Morning 9 of the Clock.

August 26
p. 485

Monday Morning August 26. 1745

The House met according to Adjournment. All members present as on Saturday except M^r Smallwood and M^r Thomas Hammond

The Proceedings of Saturday were read.

M^r Barns appears in the House

The Bill entituled, An Act for the Tryall of all matters of Fact in the several Counties where they have arisen or shall arise, was read the first Time, and ordered to lie on the Table.

On Motion of a Member, that a Bill be brought in for enlarging the Allowance made to Jurors summoned to attend the Provincial Court, Leave given and Ordered, That the Committee of Laws prepare and bring in the same.

The Bill for laying out the Town a new commonly called Princess Anne Town in Somerset County; was read the second Time, passed, and sent to the Upper House, by William Stoughton Esq^{re} and Capt. Dennis.

On motion of a member for Leave to bring in a Bill for erecting a Publick School in Worcester County; Leave given

The House adjourns to 2 of the Clock

Post Meridiem

L. H. J.
Liber No. 46

The House met according to Adjournment.

Mr Speaker communicates to the House the following Letter from Jonas Green, Printer, viz.

To the Honourable Col Edward Sprigg, Speaker of the Lower House of Assembly

May it please your Honour.

I am ordered by the Honourable the Lower House of Assembly, to print in the Journal of their Votes and Proceedings of this present Session, a Letter from Governour Shirley of the Massachusetts Bay in New England, to his Excellency our Governour: And I am expressly forbid, by an Order of Council, either to print, or suffer it to be printed at my Press. The following is a Copy of the Order, Viz.

At a Council held in the Council Chamber on Fryday 23^d August, 1745.

Present

His Excellency Thomas Bladen Esq^r Governour

Whereas the printing Governour Shirley's Letter, dated at Boston, July 3^d 1745, may have a Tendency to give such Intelligence to the Enemy as may be very prejudicial to his Majesty's Service: Therefore Jonas Green is hereby strictly charged not to print or suffer the said Letter to be printed, in or by his Press, upon any Pretence whatsoever, as he shall answer the contrary at his Peril.

I. Ross Cl. Con.

As I am, Sir, solely dependent on the several Branches of the Legislature for a Living (for I can have no publick money except granted by your Honourable House, nor any, if so granted, except the other Branches should acquiesce thereto, and cannot live without it) I am in a most terrible Dilemma: Impending Danger, Ruin, Destruction, hanging over me, let me act as I will. In this desperate Case I am sure to err. If I print it I shall highly offend the Governour and Council, and must expect no Favour and Countenance from thence; if I do not, the Lower House of Assembly I may justly expect will be likewise offended: And I cannot live without the Favour and Protection of both. To obey two Orders, so diametrically opposite, is impossible; and to know how to act in this unhappy situation, perplexes and almost distracts me. I am Honourable Sir, with the utmost Deference, and in the greatest Distress.

Your Honour's most obedient humble Servant

Jonas Green

Which being read, the House agrees to the following Resolves, Viz.

In as much as William Shirley Esq^{re} his Majesty's Governour at Boston, in his Letter to the Governour of this Province, laid before

L. H. J. this House, on the Affair of Louisburg, applies for Men, Provision,
 Liber No. 46 Arms and Ammunition only, and recommends that an Embargo be
 laid on all Provisions 'til that want be supplied; and as there is not
 in that Letter any Request of Assistance by money, or other than
 the before mentioned means.

Resolved, That by the Bill passed in this House, entituled, An Act
 for raising the sum of three Thousand Pounds Current money, and
 two pence sterling per Hogshead, for his Majesty's Service towards
 p. 486 supporting the Garrison of Louisburg on Cape Breton. and for other
 Purposes therein mentioned, this House had complied with the sev-
 eral Parts of that Letter, in the several Particulars therein men-
 tioned, so far as the Circumstances of this Province will admit.

Resolved, That the above mentioned Order of Council was served
 on the Printer on Fryday Evening last, not only after the making
 and Entry of an Order of this House for the printing of that Letter,
 but also after this House had that Afternoon adjourned.

Resolved, That the making, issuing, and serving the aforemen-
 tioned Order of the Governour and Council in the aforesaid manner,
 in Contradiction and Opposition to an Order of this House before
 then entered into, is an high Violation, and tends to subvert the fun-
 damental Rights, Privileges, and Authority of this House. And that
 any Order or Resolve of this House, relating to their Proceedings,
 is not, nor ought to be, suspended or controuled by any Order of the
 Governour and Council.

Resolved, That this House, out of Compassion to the Circum-
 stances of the Printer, and from no other motive whatever, do wave
 his printing that Letter as ordered by this House on Friday last.

The Consideration of the Governour's Message, in Answer to an
 Address of this House concerning Fines, Forfeitures, and Provincial
 Amerciaments, referred 'til To Morrow Morning.

The House adjourns 'til To-Morrow Morning at 9 of the Clock.

August 27

Tuesday Morning August 27. 1745.

The House met according to Adjournment. The Proceedings
 of yesterday were read.

On Consideration of the Governor's Message in Answer to an
 Address of this House concerning Fines, Forfeitures &^{ca} Resolved,
 That an Address to his Excellency, on the Subject matter of that
 message, be prepared; and Ordered, That the Committee of Laws
 prepare and bring in the same.

The House adjourns 'til 2 of the Clock.

Post Meridiem

The House met according to Adjournment

The House taking into Consideration the Governor's Message,
 in Answer to their Address concerning the One Pound of Tobacco

per Poll levied by the Governor and Council on the Taxable Inhabitants of this Province.

L. H. J.
Liber No. 46

Resolved unanimously, that the levying the same is illegal and oppressive.

And Ordered, That an Address be prepared to his Excellency, on the Subject matter of that Message, and that the Committee of Laws prepare and bring in the same.

Daniel Dulany Esq^{re} from the Upper House delivers M^r Speaker a Petition of the back Inhabitants of Prince George's County, praying that a Bill may be brought in for the Division of the said County.

And a Petition of the said Back Inhabitants, complaining of the Injuries done them by Deer Hunters, and praying that a Bill may be brought in for their Relief.

Which Petitions were thus Indorsed, viz.

By the Upper House of Assembly, Aug. 27. 1745

Read and referred to the Consideration of the Lower House of Assembly

Signed per Order I Ross Cl. Up. Ho.

Philip Thomas Esq^{re} from the Upper House delivers M^r Speaker a Petition of Samuel Preston Moore, Margaret Moore, Richard Moore, Mordecai Moore, Thomas Moore, and Charles Moore, praying leave to bring in a Bill to confirm a Deed of Bargain and Sale, between Mordecai Moore, and William Mitchel, Edward Mitchel, and Grace his Wife for a Tract of Land called Mitchel's Chance.

And a Petition of Elizabeth Hanson, praying that an Act may pass to entitle her to a Tract of Land lying in Charles County, containing One Hundred Acres, conveyed by a certain James Connell and Anne his Wife of S^t Mary's County, to a certain John Dunbarr.

Which Petitions were thus Indorsed, viz. By the Upper House of Assembly Aug. 27. 1745.

Read and referred to the Consideration of the Lower House of Assembly

Signed per Order J. Ross Cl. Up Ho.

Col Hollyday from the Upper House delivers M^r Speaker the Bill entituled, An Act for Limitation of Officer's Fees Indorsed, (See page 22) p. 487

And the following Message, (See page 22)

The House adjourns 'til To Morrow Morning at 9 of the Clock

Wednesday Morning, August 28, 1745.

August 28

The House met according to Adjournment: And the Proceedings of Yesterday were read.

Resolved, That the Complaint of M^r Philemon Leconte against M^r James Billings, a Magistrate of Dorchester County, be referred for Consideration to the next Session of Assembly; and Ordered, that the Clerk of this House give M^r Billings Notice thereof.

L. H. J. On Motion of a Member, that a Bill be brought in to condemn
 Liber No. 46 a certain Quantity of Land at Rock Creek Landing, on Potowmack
 River, for the building of a Rolling House, or Houses &^{ca} Leave
 given and Ordered, that the Committee of Laws prepare and bring
 in the same.

On Reading the Petition of Samuel Preston Moore, Margaret
 Moore, Richard Moore Mordecai Moore, Thomas Moore, and
 Charles Moore; and the Petition of Elizabeth Hanson.

Mr Smith, Maj. Hall, and Mr W^m Wilkinson, are appointed a
 Committee to inquire into the Facts set forth in the said Petitions.

Col. Hammond from the Upper House, delivers Mr Speaker a
 Petition of the Inhabitants of Baltimore and Jones's Towns, praying
 that the said two towns may be laid out into one Town, Indorsed
 By the Upper House of Assembly, Aug. 28. 1745. Read and re-
 ferred to the Consideration of the Lower House of Assembly.

Signed per Order I Ross Cl. Up. Ho.

Which Petition was here read and granted

And a Petition of sundry the Free holders and Inhabitants of the
 upper Parts of Dorchester and Queen Ann's Counties, praying, that
 a Bill may be brought in for erecting a new County out of the upper
 Parts of the said two Counties, Indorsed, By the Upper House of
 Assembly Aug. 28. 1745. Read and referred to the Consideration
 of the Lower House of Assembly

Signed per Order I. Ross Cl. Up. Ho.

The following Message (See page 23)

Was sent to the Upper House by Maj. Sherredine, and Capt.
 Hopper.

Mr Speaker communicates to the House the following Message
 from his Excellency, viz.

Gentlemen of the Lower House of Assembly

His Lordship having received the Address of the late Lower
 House of Assembly, concerning an Offer of a certain Sum in lieu
 of his Quit Rents, has been pleased to signify to me, that altho' he is
 perfectly sensible an Equivalent can hardly be given him for such
 an increasing Income; yet that I may endeavour to settle such a
 Composition, and on such Terms as may be reasonable for his Lord-
 ship, easy to his Tenants, and conducive to the Happiness of the
 whole Province.

T. Bladen.

On motion of a member, that a Bill be brought in to make valid
 some Defects in antient Conveyances of Lands; Leave given, and
 Ordered, that the Committee of Laws prepare and bring in the same.

Mr Speaker communicates to the House, the following Message,
 and Treaty, from the Governor, viz.

Gentlemen of the Lower House of Assembly,

I have ordered the Treaty lately made by our Commissioners, on Behalf of this Province, with the six Nations of Indians, to be laid before you

T. Bladen

L. H. J.
Liber No. 46
p. 488

To all People to whom these Presents shall come, Connasatego, Tachannutic, Johnuhat, Caxhayion, Toruchdadou, Netokanqlhak, and Rotirrawuchto, Sachems or Chiefs of the Nation of the Onondagoes; Sagucksonyunt, Gachraddodow, Hutasalyakon, Rowanhohiso, Osochquah, Seayenties, Sachems or Chiefs of the nation of the Cahugas; Swadany alias Shukelimy, Onichnaxqua, Onock-kallydawy, alias Watsatuha, Tohashwanrarorows, Arughhoeth-thaw, and Tior-haasery, Sachems or Chiefs of the nation of the Oneydos; Sidowax, Attinsgn, Tuwaiadachqua, Sachems or Chiefs of the Nation of the Tucaroros; Tanasanegos, and Taurchiuntus, Sachems or Chiefs of the nation of the Senikerrs; send Greeting,

Whereas the six United Nations of Indians, laying claim to some Lands on Potomack and Susquehanna River, in the Province of Maryland, signified their Willingness to enter into a Treaty concerning the same. Whereupon Edmund Jennings, Philip Thomas, Robert King and Thomas Colvill, Esquires were deputed by the Governor of the said Province, as Commissioners to treat with the said six Nations, or their Deputies, Sachems or Chiefs, as well of and concerning their said Claim, as to renew the Covenant Chain between the said Province, and the said six Nations; and the said Commissioners having met at Lancaster, in Lancaster County, and, as a Foundation for a strict Amity and Peace at this Juncture, agreed with the said Sachems or Chiefs of the said six Nations for a Disclaimer and Renunciation of all their Claim or Pretence of Right whatsoever, of the said six Nations to the Land contained within the Lines hereafter expressed. Now know ye, that and in Consideration of the Sum of Three Hundred Pounds, current money of Pennsylvania, paid and delivered to the above named Sachems or Chiefs, partly in Goods and partly in Gold money, by the said Commissioners; they the said Sachems or Chiefs, on Behalf of the said six Nations, do hereby renounce and disclaim to the Right Honourable the Lord Baltimore, Lord Proprietary of the said Province of Maryland, his Heirs and Assigns, all Pretence of Right or Claim whatsoever of the said six nations, of, in, or to any Lands that lie on Potomack, alias Cohongaroutan, or Susquehanna Rivers, or in any other Place between the Great Bay of Chesapeak and a Line beginning at about two Miles above the uppermost Fork of Cohongaroutan or Potomack, on the North Branch of the said Fork, near which Fork Capt. Thomas Cresap has a hunting or trading Cabbin, and from thence by a North course to the Boundaries of the Province of Pennsylvania, and so with the Bounds of the said Province of Pennsylvania to Susquehanna River; but in case such Limits shall not include the present Inhabitants or Settlers, then such and so many other Line

L. H. J. or Lines, Course or Courses, from the said two Miles above the
 Liber No. 46 Fork to the outermost Inhabitant or Settlement; as shall include
 every Settlement and Inhabitant of Maryland, and from thence by a
 North Line to the Bounds of the Province of Pennsylvania, shall be
 deemed and construed the Limits intended by these Presents; any
 Thing herein before contained to the contrary notwithstanding.
 And the said Sachems or Chiefs do hereby, on Behalf of the said
 six United nations, declare their Consent and Agreement to be, that
 every Person or Persons whatsoever, who now is, or shall be here-
 after, settled or seated in any Part of the said Province, so as to be
 out of the Limits aforesaid, shall nevertheless continue in their
 peaceable Possessions free and undisturbed, and be esteemed as
 Brethren by the said Six nations. In Witness whereof the said
 Sachems or Chiefs, for themselves, and on Behalf of the People of
 the Six Nations aforesaid, have hereunto set their Hands and Seals
 the Thirtieth Day of June, in the year of our Lord, One Thousand
 Seven Hundred and Forty four.

Signed, Sealed, and delivered in the Presence of

Thomas Lee,	Onicknaxqua	his mark	[Seal]
W. Beverly	Swadaany, alias Shie		
	Keliny	O	[Seal]
Richard Peters	Unick Kalldawy	O	[Seal]
Nat. Rigbie	Tohaswangarroros	O	[Seal]
Phil. Lud. Lee	Harugh-hoctha	O	[Seal]
N. Rigbie, junior	Tior Haaserry	X	[Seal]
James Patton	Tanasanegos	X	[Seal]
William Marsh	Tanickimitus	X	[Seal]
James Maddison	Saguchsonyiunt		[Seal]
p. 489 James Hamilton	Gachoadorlaw	} By their Friend	[Seal]
Daniel Jevon	To Hosalya Kon		[Seal]
W ^m Logan	Osoghyuah	 his mark	[Seal]
Benedict Calvert	Sidowax	7 his mark	[Seal]
Tho. Cookson	Tawayadachqua	X his mark	[Seal]
Tho. Cradock	Aliusga	9 his mark	[Seal]
Robert Brook junior	Jo: Adack alias Rowan-		
	hohison	θ	[Seal]
James Logan junior	Canasatego	X his mark	[Seal]
Abraham Taylor	Tacanuntie	X his mark	[Seal]
Andrew Hamilton	John Uhat	A his mark	[Seal]
Conrad Weiser,	Caxhayton	✱ his mark	[Seal]
Interpreter			
	Torughdudon	 his mark	[Seal]
	Nelokanyhack	e his mark	[Seal]
	Hotierawuchho	X his mark	[Seal]
	Cuckuorasy	 his mark	[Seal]
	Tarrughia Waggon		

The House adjourns to 2 of the Clock

Post Meridiem

L. H. J.
Liber No. 46

The House met according to Adjournment.

The Bill entituled, An Act for the Trial of all matters of Fact in the several Counties where they have arisen or shall arise, Read the second Time, passed, and sent to the Upper House by Capt. Ennalls and Capt Harrison.

Col. Plater from the Upper House delivers M^r Speaker the following Message, (See page 23)

Which being read, the following Message was prepared, (See page 24)

And sent to the Upper House by M^r Wootton and M^r Bond.

On Motion of a Member, that a Bill be brought in for laying an Imposition on Tobacco for the Discharge of his Lordship's Quit Rents, and support of Government: Leave given, and Ordered, that the Committee of Laws prepare and bring in the same.

The House taking into Consideration that Part of the Report from the Committee of Elections and Privileges, which relates to M^r Mills, a Member returned for St. Mary's County.

A Question was put, Whether a Sheriff hath a Right to vote in an Election where he sits as a Judge: Resolved in the Negative

For the Negative

M ^r G. Willson	M ^r Harrison	M ^r John Hall
J. Gresham	Wilkinson	Wootton
R. Gresham	D. Willson	Sprigg
Harris	N. Goldsborough	Addison
Carroll	Thomas	Bordley
P. Hammond	Hooper	Pemberton
Worthington	Lecompte	T. Wilkinson
Smith	Pearce	Hopper
Jos. Hall	Hyland	Selby
Brome	Sherredine	
Mackall	Paca	

For the Affirmative

M ^r Bond	M ^r King	M ^r Colvill
Abell	Dennis	Buchanan
Barnes	Lloyd	Gordon
Hen. Hall	Ennalls	Purnell
Courts	Sulivane	Outten
Stoughton	George	

Edmund Jennings Esq^{re} from the Upper House, delivers M^r Speaker a Petition of sundry the Inhabitants of the Upper Part of

L. H. J. Coventry Parish in Somerset and Worcester Counties, praying that
Liber No. 46 a Bill may be brought in to assess the Inhabitants of the said Parish
for the building a Chapel &^a

A Petition of the Inhabitants of the Upper Part of King George
Parish in Prince George's County, praying that a Bill may be brought
in for the Building a Chapel in the Town of Bladensburg:

And a Petition of the Free holders and Inhabitants of the Town
of Cambridge in Dorchester County, praying an Act to prevent the
raising of Swine and Geese in the said Town:

Which Petitions were thus severally indorsed, Read and referred
to the Consideration of the Lower House of Assembly.

Signed per Order I. Ross Cl. Up. Ho.

The House adjourns 'til To morrow Morning at 9 of the Clock.

August 29

Thursday Morning August 29. 1745.

The House met according to Adjournment, and the Proceedings
of Yesterday were read

The Petition of sundry the Inhabitants of the Upper Part of
Coventry Parish in Somerset and Worcester Counties, read, and
referred to the Consideration of the next Session of Assembly.

M^r Goldsborough from the Committee of 'Aggrievances, and
Courts of Justice, delivers M^r Speaker the following Report viz.

By the Committee of Aggrievances and Courts of Justice,
August 28. 1745

Your Committee having received Information by sundry Persons,
that a certain William Fowler, of Calvert County, Planter, did on
the 1st Day of September, Anno Domini 1742, pass his note in Writ-
ing to a certain James Weems, Gentleman, for the Sum of 485
pounds of Tobacco, which said Note the aforesaid James Weems
did deliver unto M^r Thomas Ireland, one of the Magistrates of said
County, in order to satisfy a Tobacco Debt then due and owing from
the said Weems to the aforesaid Thomas Ireland.

Your Committee further takes leave to inform your Honourable
House, that altho' sometime after the Receipt of the Note aforesaid,
the said William Fowler did satisfy and pay the sum of 306 Pounds
of Tobacco to the Reverend James Williamson by the Order of the
said Ireland, in Part of the Note aforesaid; nevertheless the said
Thomas Ireland did afterwards grant a Warrant against the said
William Fowler, directed to the Constable of the Hundred, by Virtue
of which warrant the said William Fowler was carried before the
said Thomas Ireland, who gave Judgment against the said William
Fowler for the whole Sum of 485 pounds of Tobacco mentioned in
the note aforesaid, and Costs, without regarding the said Sum of

306 pounds of Tobacco paid as aforesaid by the said Fowler by Order of the said Thomas Ireland to the aforesaid James Williamson, alledging that the said William Fowler was indebted to him the said Thomas Ireland, and a certain Roger Boyce his Partner, a Money Debt to the Sum of £2..6..6 notwithstanding the said William Fowler had before that Time satisfied and paid the said Roger Boyce, partner as aforesaid with the said Thomas Ireland, the Sum of two Pounds in Part of the Money Debt aforesaid (of which the said Thomas Ireland had notice) For which said sum of 485 Pounds of Tobacco, the said William Fowler did then give an Order on M^r William Holland, in order to satisfy the Judgment aforesaid, by Virtue of which Order the said William Holland did by his Overseer Henry Keene, shew a Quantity of merchantable Tobacco to the Receiver of the said Thomas Ireland, in the House of the said William Holland, sufficient to answer the Judgment aforesaid: But so it was (we beg leave to inform your Honourable House) that after the shewing the Tobacco aforesaid, the said Thomas Ireland, without ever returning the said note, did make out Execution against the said William Fowler on the Judgment aforesaid, by means whereof the said Fowler was by the Sheriff of the said County taken into Custody and put to great Charges thereon, and obliged to procure M^r Samuel Harrison of the said County to discharge the same.

Your Committee further takes leave to inform your Honourable House, that after the rendering the Judgment aforesaid by the said Thomas Ireland against him the said William Fowler It appears to your Committee, that the said William Fowler did apply to the said Thomas Ireland for a Warrant against the said Roger Boyce, for the Recovery of the sum of two Pounds aforesaid, paid to the said Roger Boyce in Manner aforesaid, yet the said Thomas Ireland contrary to the Duty of a Magistrate, did absolutely deny and refuse to grant the same, All which Actings, Doings, and neglects aforesaid, we take to be a manifest Oppression, and tends to alienate the Minds of the People from the Right Honourable the Lord Proprietary of this Province. But is humbly submitted to the Consideration of your Honourable House

p. 491

Signed per Order. E. Dorsey Cl. Com.

Which being read, the House concurs therewith, And, Ordered, that William Fowler, and M^r Thomas Ireland jun^r attend this House on Monday next.

Ordered, that the Clerk issue such Summons as either Party shall desire

The House again taking into Consideration that Part of the Report from the Committee of Elections and Privileges which relates to M^r Mills

A Question was put, Whether the said M^r Mills was duly elected or not? Resolved in the Negative.

L. H. J.
Liber No. 46

For the Negative

M ^r G. Willson	M ^r Mackall	M ^r John Hall
I. Gresham	Harrison	Wootton
R. Gresham	W. Wilkinson	Sprigg
Harris	N. Goldsborough	Addison
Carroll	Thomas	Bordley
P. Hammond	Lecompte	Pemberton
Wortlington	Pearce	T. Wilkinson
Smith	Hyland	Hopper
Jos. Hall	Sherredine	Selby.
Brome	Paca	

For the Affirmative

M ^r Bond	M ^r King	M ^r George
Abell	Dennis	Colvill
Barnes	Lloyd	Buchanan
Hen. Hall	Hooper	Gordon
Courts	Ennalls	Purnell
Stoughton	Sulivane	Outten.

M^r Speaker is ordered to acquaint M^r Mills that he is dismissed from any further Attendance in this House: Which he does accordingly.

And Ordered, that M^r Speaker issue his Warrant to the Secretary of this Province, to make out a Writ of Election directed to the Sheriff of St. Mary's County, for the Electing a Representative to serve in this present General Assembly, in the room of M^r Mills.

M^r Speaker communicates to the House the following Message from his Excellency, viz.

Gentlemen of the Lower House of Assembly.

I think proper to lay before you for your Perusal a Letter, with some other Papers, which I have just received from the Governor of New York, and recommend to your Consideration, what measures may be necessary to enable me to comply with M^r Clinton's Proposals for his Majesty's Service and our Security.

T. Bladen

With a Letter from George Clinton Esq^{re} Governor of New York, and other Papers relating to the six nations of Indians, which were read, and ordered to lie for further Consideration.

The House adjourns 'til 2 of the Clock

Post Meridiem

The House met according to Adjournment.

On Motion of a Member that a Bill be brought in, entitled, An Act for Gauge of Barrels for Pork, Beef, Pitch, Tar, and Tare of Barrels for Flour or Bread: Leave given, and ordered that the Committee of Laws prepare and bring in the same.

The House taking into Consideration that Part of the Report from the Committee of Elections and Privileges which relates to M^r Sulivane, a member returned for Dorchester County

L. H. J.
Liber No. 46

A Question was put, Whether M^r Sulivane, at the Time of his Election, was duly qualified to be elected. or not? Resolved in the Negative

For the Negative

M ^r Abell	M ^r Brome	M ^r Hyland
G. Willson	Mackall	Sherredine
I. Gresham	Courts	Paca
R. Gresham	Harrison	John Hall
Carroll	W. Wilkinson	Buchanan
P. Hammond	N. Goldsborough	Wootton
Worthington	Lloyd	Addison
H. Hall	Thomas	Bordley
Smith	Lecompte	Pemberton
Jos. Hall	Pearce	T. Wilkinson

For the Affirmative

M ^r Bond	M ^r Dennis	M ^r Gordon
Barnes	Hooper	Hopper
Harris	Ennalls	Purnell
Stoughton	George	Selby
King	Colvill	Oутten
D. Willson	Sprigg	

M^r Speaker is ordered to acquaint M^r Sulivane, that he is dismissed from any further Attendance in this House, which he accordingly does. p. 492

And Ordered, that M^r Speaker issue his Warrant to the Secretary of this Province, to make out a Writ of Election, directed to the Sheriff of Dorchester County, for electing a Representative to serve in this present General Assembly, in the room of M^r Sulivane

Col. John Hall hath leave of the House to go Home.

The House adjourns until To-morrow Morning at 9 of the Clock

Friday Morning, August 30. 1745

August 30

The House met according to Adjournment. All members present as Yesterday, except Col. John Hall.

The Proceedings of Yesterday were read.

Col. Tasker, from the Upper House, delivers M^r Speaker the following Bills, viz.

A Bill entituled, An additional supplementary Act to the Act entituled An Act for laying out and erecting a Town at a Place called Long Point &^a

L. H. J. A Bill entituled, An Act continuing an Act, entituled An Act for
Liber No. 46 the speedy and effectual Publication of the Laws of this Province &^{ca}

A Bill entituled, A supplementary Act to the Act entituled, An Act appointing Commissioners for dividing St. Mary's County into four Parishes &^a

A Bill entituled, A supplementary Act to the Act entituled, An Act to enable Commissioners therein named, to lay out forty Acres of Land into Eighty Lots for a Town on Indian River in Worcester County &^a

And a Bill for laying out the Town anew commonly called Princess Anne Town in Somerset County.

Severally indorsed (See page 25)

Which Bills were here read, and passed for Ingrossing

M^r Mackall hath Leave of the House to go home.

The House adjourns to 2 of the Clock.

Post Meridiem

The House met according to Adjournment. And

Adjourns again 'til To-morrow Morning at 9 of the Clock.

August 31

Saturday Morning, August 31. 1745

The House met according to Adjournment, All members present as Yesterday. except M^r Mackall and M^r William Wilkinson.

The Proceedings of Yesterday were read.

Col. Hooper brings in an Address to the Governor, which was read, approved of, and ordered to be ingrossed.

Maj. Hall, from the Committee of Laws, brings in a Bill entituled. An Act for the Gauge of Barrels for Pork, Beef, Pitch, Tar, and Tare of Barrels for Flour or Bread; which was read the first Time, and ordered to lie on the Table.

W^m Stoughton Esq^{re} brings in an Address to the Governor, which was read, approved of, and ordered to be ingrossed.

The House adjourns 'til Monday Morning 9 of the Clock.

September 2

Monday Morning, September 2. 1745.

The House met according to Adjournment, All Members present as on Saturday, except M^r Leconte.

The Proceedings of Saturday were read.

M^r Thomas Hammond and M^r John Goldsborough appear in the House.

p. 493 The following ingrossed Address to the Governor, viz.

To his Excellency Thomas Bladen Esq^{re} Governor of Maryland.

L. H. J.
Liber No. 46

The humble Address of the House of Delegates of the said Province.

May it please your Excellency.

In your Message to this House you were pleased to say, "that One Pound of Tobacco per Poll has been assessed and levied from the Taxable Inhabitants of this Province, by virtue of an Act of Assembly entituled, An Act for the ordering and regulating the Militia of this Province for the better Defence and Security thereof," In answer to which permit us to observe, that the said Act being a temporary Act by a Clause of Continuance for three years and to the End of the next Session of Assembly after the said three years, was, at a Session of Assembly held at Annapolis the 14th Day of May 1719, by an Act then passed, continued in force for three Years and to the End of the next Session of Assembly after the End of the said three years (Body of Laws Fol. 209) And at a Session of Assembly held at the said City the 10th Day of October 1722 by a Clause of an Act then passed (Body of Laws Fol. 235) entituled, An Act directing how the Fines shall be adjudged against such as neglect to appear at Musters, was again continued by the Words following, viz. And be it further Enacted, that an Act entituled, An Act for ordering and regulating the Militia of this Province for the better Defence and Security thereof, made at a Session of Assembly begun and held at the City of Annapolis the twenty sixth Day of April Anno Domini, One Thousand seven Hundred and fifteen, is hereby revived and continued in full Force."

We humbly conceive, that the last recited Act of 1722, being a supplementary, explanatory, and dependant Act on that of 1715, and the continuing Clause of the latter, viz. "For three years and to the End of the next Session of Assembly after the End of the said three years," not being repealed, but revived and continued therewith, and there not being any Expressions to shew it to be the Intention of the Legislative Power, that the Act of 1715 should be perpetual, we apprehend the same has been long since expired: And altho' this be our Opinion on that Point, we take leave further to observe to your Excellency, that if the said Act were in it's full Force, yet it does not appear to us that your Excellency, and the Honourable Board, have acted agreeable to the Letter, Meaning, or Intention thereof.

It gives us great Concern to have any Cause of Complaint, or Difference with, your Excellency, and that Honourable Board, and therefore truly wish, and hope to find, that the Welfare and Ease of the People may and will be the measure and Rule of Acting.

We therefore hope you will agree with us, that it is a high Infringement on the Liberties of the People of Maryland, to levy any Taxes on them under Colour of Law, as not only we, but our Constituents generally conceive has been done in this Case.

L. H. J. Being read and assented to, was ordered, on Behalf of the House,
 Liber No. 46 to be signed by the Honourable Speaker.

M^r Worthington and M^r John Goldsborough are sent to acquaint his Excellency, that this House hath prepared an Address to him, and desires to know when and where he will be pleased to receive it: They return and acquaint M^r Speaker he will receive it immediately in the Conference Chamber.

M^r Thomas and Capt. Hopper sent to present the Address: They return and acquaint M^r Speaker they have presented it.

On Motion of a Member, that a Bill be brought in for issuing Writs of Replevin out of the County Courts: Leave given, and Ordered, that the Committee of Laws prepare and bring in the same.

The House adjourns to 2 of the Clock.

Post Meridiem

The House met according to Adjournment.

The Petition of the back Inhabitants of Prince George's County, complaining of the Injuries done them by Deer Hunters, and praying that a Bill may be brought in for their Relief; read, and granted.

The House taking into Consideration, the Report from the Committee of Aggrievances and Courts of Justice, relating to Thomas Ireland junior, a Magistrate of Calvert County, and after having heard the said Ireland by his Council,

Resolved, That the Proceedings of the said Ireland, in the said Report set forth, is illegal and oppressive: And, Ordered, that the Serjeant at Arms take the said Ireland into his Custody, and him keep until he shall be duly discharged

The following ingrossed Address, viz.

To his Excellency Thomas Bladen Esq^{re} Governor of Maryland

The humble Address of the House of Delegates of the said Province.

May it please your Excellency

p. 494 Your Message in answer to our Address praying an Account of all the Fines and Forfeitures and the Amerciaments in the Provincial Court, that have arisen and been paid, and how and to what uses applied in the Support of this Government, from the year 1715 to this Time, to be laid before us, we humbly beg leave to say is by no means satisfactory. Those Fines and Forfeitures are, some by the Common Law, and others by Acts of Assembly, levied on the People, and are taken of the People by his Lordship, or his Officers, under the Authority lodged in him as Governor and executive Power of the Laws of this Province; and as such we conceive he or his Officers for him, are authorized to receive and take those several Articles but in Trust, and for the Benefit only of that People among whom they are levied: And altho' his Lordship as Governor, or those he shall

think fit to depute for that Purpose, hath the Disposal of those several Articles, yet we contend, that Power in it's nature is but restrained, and that he is not at Liberty to put them into his own Pocket, nor to dispose of them otherwise than for the Ease and Welfare of that People for whose Benefit and Protection that Trust is raised: And we are in some Measure supported in this Opinion, by that Distinction taken by your Excellency, between the Fines and Forfeitures at the Common Law, which you say "are as much his Lordship's Right as any Thing else can possibly be," and those appropriated by Acts of Assembly to the support of Government; whereby you seem to intimate, that these latter are not "as much his Lordship's Right as any Thing else can possibly be"; but that they are levied by virtue of those Acts of Assembly for the Support of Government, and are therefore in Trust for that particular Use, and as such ought to be accounted for. Nor can we imagine that the Fines and Forfeitures at the Common Law are more his Lordship's Right than the others; for they are both levied on the People, and are paid to him or his Officers, as he is Governor of this Province, and in that Publick Capacity only; and if the Time should come when he shall be divested of this Government, there is little Doubt but that both Kinds of Fines and Forfeitures will consequentially follow, and be vested in, his Successor, in the same Capacity, and in Trust for the same Uses and Purposes, as now they are in him.

L. H. J.
Liber No. 46

And altho' your Excellency is pleased to say that if the Agents and Officers who have received those Fines and Forfeitures have accounted for them to the Lord Proprietary (which you say you take for granted) they have done their Duty, yet we must beg leave to differ from your Excellency: For besides that we cannot take it for granted, that they have accounted for them in that manner, if by "accounting for them to the Lord Proprietary" your Excellency means they have paid them to him; we must further humbly contend, that tho' they have done so, yet have they not done their Duty: For if those Fines and Forfeitures be a Part of the publick Treasure of this Province, as we humbly conceive they are, we think they are not to be paid to any Person out of it, but are to be retained in it, to supply the Calls and Occasions of this Government; and thereby to prevent as well the necessity, as far as they would extend, of loading and oppressing the People here with Taxes to supply such Occasions; as that of this House to go beyond the Limits of this Province, for an Account of Money, or other Thing, actually raised and levied within it for the Use of the Publick: And this we apprehend was their Duty to have known, and to have acted accordingly.

But whether these Fines and Forfeitures have been already accounted for to the Lord Proprietary, or not; we hope it does not put it out of the Power of those Officers, nor prevent your Inclination to order them to lay Copies of those Accounts before us: And altho' your Excellency should not be able, from the Death of several of the

L. H. J. Officers who have received those Fines and Forfeitures since the
 Liber No. 46 Year 1715, and your unacquaintance with their Executors or Administrators, to comply with the whole of our Request; yet as several of those Officers are now living, we are not without hopes your Excellency will choose to gratify us in such Part of our Request as lies within our Power, rather than, from an Inability to comply with the whole, refuse to us every Part.

And as your Excellency is pleased to say, that the same Reasons touching the Fines and Forfeitures, will reach the Amerciaments in the Provincial Court, and that therefore you need not add any Thing more relating to them; we humbly apprehend, that they being within the like general Reasons with the Fines and Forfeitures, we are equally entituled to an Account of them; and as they are to be applied by the Governor and Council no doubt but the Council Books do contain the Accounts of them and their Application, Copies whereof may be laid before us.

Being read and assented to, was ordered on Behalf of the House, to be signed by the Honourable Speaker.

M^r Pemberton and M^r Bond ordered to acquaint his Excellency, that this House hath prepared an Address to him, and desires to know when and where he will be pleased to receive it.

p. 495 They return and acquaint M^r Speaker he will receive it immediately in the Conference Chamber.

M^r Harris and M^r Barnes sent to present the Address

They return and acquaint M^r Speaker they have presented it.

Maj. Hall from the Committee of Laws, brings in a Bill for issuing Writs of Replevin out of the County Courts of this Province, which was read the first Time, and Ordered to lie on the Table.

M^r Wootton hath leave of the House to be absent To-morrow.

The House taking into Consideration the Governor's message in relation to his Lordship's Quit Rents; Resolved that this House will address his Excellency on the Subject Matter of the said Message, And Ordered, that the Committee of Laws prepare and bring in an Address accordingly.

The House Adjourns 'til To Morrow Morning at 9 of the Clock.

September 3

Tuesday Morning, September 3. 1745

The House met according to Adjournment, and the Proceedings of Yesterday were read

M^r Mackall and M^r Lecompte appear in the House

An ingrossed Bill entituled, An Act continuing an Act entituled, An Act for the speedy and effectual Publication of the Laws of this Province, and for the Encouragement of Jonas Green, of the City of Annapolis, Printer.

An ingrossed Bill entituled An additional supplementary Act to the Act entituled, An Act for laying out and erecting a Town at a Place called Long Point, on the West Side of North East River, in Cecil County.

L. H. J.
Liber No. 46

And an ingrossed Bill entituled A supplementary Act to the Act entituled, An Act to enable Commissioners therein named to lay out forty acres of Land into eighty Lots for a Town on Indian River in Worcester County; as also forty acres of Land into eighty Lots at the Head of Asseteague Creek, at a Place commonly called the Trapp for a Town,

Were severally read and assented to, and sent to the Upper House, with the Paper Bills, by M^r Bordley and M^r Harris

D^r Carroll brings in an Address to his Excellency which was read, approved of, and ordered to be ingrossed

An ingrossed Bill entituled, A supplementary Act to the Act entituled, An Act appointing Commissioners for dividing St. Mary's County into four Parishes, and to erect that Part of All Faith, and King and Queen Parish lying in Charles County, into a distinct Parish.

And an ingrossed Bill entituled, An Act for laying out the Town a new commonly called Princess Anne Town in Somerset County.

Were severally read and assented to, and sent to the Upper House, with the Paper Bills, by William Stoughton Esq^{re} and Capt. Addison.

The following ingrossed Address to his Excellency, viz.
To his Excellency Thomas Bladen Esq^{re} Governor of Maryland

The humble Address of the House of Delegates of the said Province.

May it please your Excellency.

In your Message to this House, concerning an Equivalent in lieu of his Lordship's Quit Rents, you have been pleased to tell us, that it is signified that you may endeavour to settle such Composition on such Terms as may be reasonable for his Lordship, easy to his Tenants, and conducive to the Happiness of the whole Province.

We take leave to return your Excellency Thanks for your kind Offices herein, and hope you will believe that it is our sincere Desire (if it may be done) that such Composition should be equally reasonable as well for his Lordship as the People we represent, and from his kind Expressions we have Reason to expect he means the same.

The House of Delegates in May Session 1744, did, by an Address to your Excellency, make a Proposal to be transmitted to his Lordship on this Head, to which as we have no direct Answer, we are desirous to know whether the same be acceptable, or if otherwise, what his Lordship, or your Excellency for him, shall judge to be a reasonable Composition; and as we conceive this must be grounded on the neat Proceeds of the Quit Rents in the respective Counties,

L. H. J. as received by his Lordship, we therefore pray that your Excellency
 Liber No. 46 will order to be laid before us the Amount of the Quit Rents as afore-
 said; as also communicate to us what his Lordship's Desire and Ex-
 pectation may be herein, or any other Circumstance which you may
 think conducive to the Completion of this matter.

Being read and assented to, was ordered, on Behalf of the House,
 to be signed by the Honourable Speaker.

W^m Stoughton Esq^{re} and M^r Sprigg ordered to acquaint his Ex-
 cellency, that this House hath prepared an Address to him, and de-
 sires to know when and where he will be pleased to receive it: They
 return and acquaint M^r Speaker he will receive it immediately in the
 Conference Chamber.

p. 496 M^r Smith, with thirteen others sent to present the Address. They
 return and acquaint M^r Speaker they have presented it

The Bill entituled An Act to record and make valid in Law a Deed
 indented of Bargain and Sale from John Awbrey to John Hussey,
 was read the second Time, passed, and sent to the Upper House by
 M^r Sprigg and Capt. Addison

The House adjourns to 2 of the Clock

Post Meridiem

The House met according to Adjournment.

A Petition of Mordecai Price praying leave to bring in a Bill to
 cure the Defects in a Deed made between a certain Stephen Price,
 and the Petitioner, for a Tract of Land lying in Baltimore County,
 read, and Ordered to lie for further Consideration

The Petition of the Free holders and Inhabitants of Cambridge
 Town in Dorchester County, praying an Act to prevent the raising
 of Geese and Swine in the said Town; read and granted

Ordered that M^r Nicholas Goldsborough, M^r Richard Gresham,
 and M^r Pemberton do settle the Fees due to the Officers of this
 House, and the Allowance to sundry Witnesses for their Attendance,
 on a Complaint made to the House, against Thomas Ireland junior
 a Magistrate of Calvert County

M^r Nicholas Goldsborough delivers M^r Speaker the following
 Report viz.

September 3. 1745

In Pursuance of an Order of the Lower House of Assembly to
 settle sundry Fees arising due to the Officers of that House, and
 sundry witnesses for Attendance, on a Complaint made there against
 Thomas Ireland junior, we have proceeded to tax the same in
 manner following:

To the Clerk of the House for 7 summons	at 3 ^s	£1.. 1..0	L. H. J. Liber No. 46
To the Serjeant for summoning 7 Persons	at 3 ^s	1.. 1..0	
To the Serjeant for a Messenger to Calvert County		2.. 0..0	
To the Serjeant for Commitment of Thomas Ireland		4..0	
To the Serjeant for — Days keeping ditto in Custody			
To the following Witnesses			
To William Fowler for 8 Days Attendance	at 5 ^s	2.. 0..0	
To ditto for 6 Days itinerant Charges	at 5 ^s	1..10..0	
To Henry Keene for 4 Days Attendance	at 5 ^s	1.. 0..0	
To ditto for 2 Days itinerant Charges	at 5 ^s	..10..0	
To Moses Parran for 4 Days Attendance	at 5 ^s	1.. 0..0	
To ditto for 2 Days itinerant Charges	at 5 ^s	—..10..0	
N. Goldsborough Richard Gresham G. Pemberton			

M^r Ireland being called to the Bar of the House, M^r Speaker delivers himself to him in the following manner.

It appears to this House, that you, as a Justice of Calvert County, in the Case of William Fowler, in relation to a note of his, put into your Hands by M^r James Weems, for 485 Pounds of Tobacco, did misapply 306 Pounds of Tobacco paid by the said Fowler to the Rev. M^r James Williamson at your Request, in Part of the said note, and afterwards granted a Warrant, and gave Judgment against him for the whole; and notwithstanding the payment aforesaid, and a Tender made by M^r Keene, by Order of M^r Holland, of the whole Sum of the note aforesaid, you issued Execution against said Fowler, contrary to Law and Justice, and put him to great Expence and Trouble thereby. You likewise, contrary to your Duty and Oath as a Justice, refused granting the said Fowler a Warrant against M^r Roger Boyce, for a Debt due to him from said Boyce. All which being oppressive, and contrary to common Right, and the good Rule and Order of Government. I am directed to reprimand you for the same, which I hereby do accordingly, and I advise that you avoid such misconduct for the future, as also acquaint you, that you are discharged from the Serjeant, on paying the Fees, an Account of which you will receive from him.

M^r Smith from the Committee appointed to inquire into the Facts mentioned in the Petition of Messieurs Samuel Preston Moore and others, and the Petition of M^{rs} Elizabeth Hanson, delivers M^r Speaker the following Report, viz.

By the Committee appointed to inquire into the Facts mentioned in the Petition of Messieurs Samuel Preston Moore and others, and the Petition of M^{rs} Elizabeth Hanson, Sept. 3, 1745. p. 497

Your Committee having inquired into the several Facts set forth in the Petition of Samuel Preston Moore and Others of Anne Arundel County, praying leave to bring in a Bill to confirm a Deed of Bargain and Sale from William and Edward Mitchel and Grace his

L. H. J. wife, to Mordecai Moore Physician, for one Moiety of a Tract of Land called Mitchels Chance. And also into the several Facts set forth in the Petition of Elizabeth Hanson of Charles County, praying leave to bring in a Bill to confirm a Deed of Bargain and Sale, from James Connell and Anne his wife of St. Mary's County, to John Dunbar of the same County, for a Tract of Land containing One Hundred Acres, lying in Charles County, do find the same to be true, All which is humbly submitted to the Consideration of the House
Signed per Order, Thomas Jennings Cl. Com.

Which being read, the Petitions mentioned in the said Report, are granted

Col. Hooper brings in a Bill to prohibit raising of Swine and Geese in the Town of Cambridge in Dorchester County, which was read the first Time, and Ordered to lie on the Table.

The House adjourns until To morrow morning at 9 of the Clock

September 4

Wednesday Morning, September 4. 1745

The House met according to Adjournment, and the Proceedings of Yesterday were read.

M^r Wootton appears in the House.

M^r Speaker communicates to the House the following Message from his Excellency with Accounts relating to the Building of a House for the Governor.

Gentlemen of the Lower House of Assembly

I send you the Account of what money I have received from the Paper Currency Office, for the building a Governor's House, what Disbursements have been made, and what remains due to my self, and to Patrick Creagh
T. Bladen

A Bill entituled, A supplementary and additional Act to the Act entituled, an Act for erecting a Town on the North Side of Potapsco in Baltimore County, and for laying out in Lots sixty Acres of Land in and about the Place where John Fleming now lives: And to an Act entituled, An Act for erecting a Town on a Creek divided on the East from the Town lately laid out in Baltimore County, called Baltimore Town, on the Land whereon Edward Fell keeps Store: Was read the first Time, and ordered to lie on the Table.

M^r Speaker communicates to the House the following Message from the Governor, viz.

Gentlemen of the Lower House of Assembly,

I am sorry that my Message in answer to your former Address, concerning the Pound of Tobacco per Taxable, is not satisfactory to you; but as I believe that Dissatisfaction has proceeded from Inattention to the Acts you mention in your last Address, I am in hopes

that when you shall have considered them again, the Transaction will appear to you in a very different Light from what it has hitherto done. L. H. J.
Liber No. 46

It is true the first Act was a temporary one, and that when it was near expiring, it was continued by another temporary Act for three Years, and to the End of the next Session of Assembly which should happen after the End of the said three years; then comes the last Act mentioned by you, which revives and continues the first Act in full Force, without mentioning any Time for its Duration, and consequently make it perpetual. I believe the Difference between a perpetual and a temporary Law is, that there is no Time limited for the Duration, Operation, or Continuance of the former, and that therefore it must continue in force 'til it is repealed; that the latter having a fixed or limited Time for its Duration or Operation, it must certainly expire, when the Time so fixed and limited expires, or the End for which the Act was made is fully answered, unless it is continued by another Law. The Case then here is, that the third and last Act revived and continued the first in full Force, without fixing or limiting any Time for its Duration: This is plain and evident from the Words of it, which Enact, that it shall be revived and continued in full Force, without limiting any Time for its Continuance or Duration; and therefore I think that the Addition of any more or other Words would have been superfluous. I can't imagine that any Legislature can be supposed to be unacquainted with the Difference between a perpetual and a temporary Law; nor can it be doubted, if those, who made the Law under Consideration, had intended it should have been only temporary, but that they would have expressed such their Intention, when they might have very easily done it, and in few Words: And it is a dangerous Doctrine to set up Conjectures, or even the strongest Parol Proof of any Kind, that a Law was intended to be different from what it really appears to be by the Terms of it; as such Doctrine would introduce the greatest Confusion and Uncertainty in Laws, which ought to be expressed in the clearest manner as they are intended to be Rules for the Conduct of those for whom they are made. p. 498

Besides this, if you consider an Act of Assembly that was made in the Year 1732 entituled, A supplementary Act to the Act for the ordering and regulating the Militia of this Province, for the better Defence and Security thereof, which is a perpetual Law, and I presume has escaped the Notice of your House, or at least of those who penned your Address, you will find that the Legislative Power then did not think the Act of 1715 was expired, but on the contrary looked upon it to be, as it really is, a perpetual Law, referred to it in several Places, and aided some Defects in it. This last Act, if there was any Room to dispute (as I think there is not) whether the first Act was made perpetual by the Act of 1722, or was expired, would put an

L. H. J. End to such Dispute, and would fully obviate every Supposition of
 Liber No. 46 the Act of 1715 being expired

As to the second Point, whether I and the Council have acted agreeably to the Letter, Meaning or Intention of the Act, will best appear by considering the following Paragraphs of it (which are in Fol. 105 and 106, in the Book of Laws: “And every Person slain in the Service of this Province, leaving behind him a wife or Children, there shall also be allowed a competent Pension to the wife during her widowhood, and the Children ’til they be of Years to get their Living, or be put out Apprentices; and that this pension be yearly paid and allowed out of the Fifty Thousand Pounds of Tobacco per Annum, to be raised by the Governor of this Province for the Time being, or the Council, as in this Act is hereafter provided in the Intervals of Assemblies.

And for the preventing of the great Charges of Annual Assemblies, who may meet for no other Occasion but to lay the Publick Levy in Time of Peace; Be it Enacted by the Authority aforesaid, that the Governor and Council, during the Interval of Assemblies, for the Defraying and Payment of the small Charges of this Province, be and are hereby impowered to assess the same, equally to be levied upon all the Inhabitants of this Province, for the Defraying the said small Charges in Time of Peace as aforesaid; any Thing in this Act to the contrary notwithstanding.

Provided always, and it is the true Intent and Meaning of this Act, the said Sums for the small Charges of this Province, so to be assessed by the Governor and Council upon the Inhabitants of this Province as aforesaid, exceed not in any one year the Sum of fifty Thousand Pounds of Tobacco; and the Disbursements of the same Tobacco to be accounted for at the next General Assembly, after the raising and disbursing the said Tobacco as aforesaid.

And a Paragraph in Page 104, which describes the Times of War, shews what Times of Peace are intended by that Law; and is in these Words: “And to the Intent that whensoever it shall appear to the Governor or Commander in Chief of this Province for the Time being, and his Council, to be necessary to raise Forces for the suppressing of any foreign Invasion, or domestick Insurrection or Rebellion, or any War with any Indians, that the aforesaid Officers and Soldiers may be duly paid according to the Proportions aforesaid and all other Charges and Expences for the Charge and Management of such War, may be duly paid and discharged; without which this Province cannot be defended and secured.”

These Paragraphs plainly prove, that the Governor and Council are impowered to raise this Tax, not only once in many Years, but even every Year in the Interval of Assemblies; and that its not being raised has not been for want of a legal Authority to raise it, but from a Resolution in the Governor and Council not to exercise the

Power with which they are invested, without the greatest necessity. As to the Application of it, it is (and I am perswaded you will think so) too early to find fault with it, because it is not yet made; and when it shall be made, I will venture to assure you, that neither my self nor the Council will convert any part of it to our own Use, and that it shall be honestly disposed of to such Ends, as shall appear to us to be agreeable to the Intention of the Legislature, and then an Account of such Disposition shall be laid before the Assembly. And when all this is done, I am perswaded that you and your Constituents, as well as all the unbiassed part of mankind, will be satisfied, that there is no Foundation for charging the Governor and Council with highly, or at all, infringing on the Liberties of the People of Maryland, which is a Thing I, for my own part, detest, and I am p. 499 firmly perswaded every one of the Council is in the same Sentiments with me; on the contrary, I believe it will appear to every impartial man, that in the Instance complained of, we have acted with a true and sincere Regard to the Welfare and Ease of the People, in charging them with only a single Pound of Tobacco per Taxable, instead of calling an Assembly, which would very probably have cost them more than ten Times that Quantity.

T. Bladen

The House adjourns 'til 2 of the Clock

Post Meridiem

The House met according to Adjournment

A Bill to impower and direct the Clerk of Anne Arundel County Court, to enter and record among the said County Records, a Deed of Bargain and Sale from William Mitchel, Edward Mitchel and Grace his wife, to Mordecai Moore deceased.

And a Bill entituled, An Act to impower and direct the Clerk of Charles County, to enter and record among the said County Records, a Deed of Bargain and Sale from James Connell and Anne his Wife, to John Dunbar, of a Parcel of Land therein mentioned.

Were read the first Time, and ordered to lie on the Table.

Col. John Hall appears in the House.

The House adjourns 'til To-Morrow Morning at 9 of the Clock.

Thursday Morning September 5. 1745

September 5

The House met according to Adjournment, and the Proceedings of Yesterday were read.

The House taking into Consideration the Governor's Message in relation to a Letter, and other Papers, from George Clinton Esq^{re} Governor of New York, concerning the six Nations of Indians: A Question was put, whether this House will contribute any Sum of Money towards raising a Present for the said six Nations? Resolved in the Negative.

L. H. J.
Liber No. 46

For the Negative

M ^r Bond	M ^r Harrison	M ^r Sherredine
Abell	D. Willson	Paca
G. Willson	Dennis	Buchanan
Harris	N. Goldsborough	Wootton
Carroll	Lloyd	Addison
P. Hammond	Thomas	Bordley
Worthington	J. Goldsborough	Pemberton
Hen. Hall	Hooper	T. Wilkinson
Smith	Ennalls	T. Hammond
Jos. Hall	Lecompte	Hopper
Brome	George	Purnell
Mackall	Pearce	Selby
Courts	Hyland	Outten

For the Affirmative

M ^r Barnes	M ^r Stoughton	M ^r John Hall
I. Gresham	King	Sprigg
R. Gresham	Colvill	Gordon

Ordered, that the Committee of Laws prepare an Address to his Excellency, in answer to the afore-mentioned Message.

Ordered, that the Committee of Laws prepare an Address to his Excellency, in answer to his Message concerning the One Pound of Tobacco per Poll, levied upon the Taxable Inhabitants of this Province

The Bill entituled, An Act for issuing Writs of Replevin out of the County Courts of this Province. And,

The Bill entituled, A supplementary and additional Act to the Act entituled, An Act for erecting a Town on the North Side of Potapsco in Baltimore County &^a Were read the second Time, passed, and sent to the Upper House, by D^r Buchanan and M^r Mackall.

The Bill to prohibit raising of Swine and Geese in the Town of Cambridge in Dorchester County, was read the second Time, passed, and sent to the Upper House by Capt. Ennalls and M^r Lecompte

The Bill to impower and direct the Clerk of Anne Arundel County Court, to enter and record among the said County Records, a Deed of Bargain and Sale from William Mitchel &c.

And the Bill entituled, An Act to impower and direct the Clerk of Charles County to enter and record among the said County Records, a Deed of Bargain and Sale from James Connell and Anne his Wife &^{ca}

Were read the second Time, passed, and sent to the Upper House by M^r Worthington, and Capt. Harrison

Mr Speaker communicates to the House the following Message from the Governor viz

L. H. J.
Liber No. 46

Gentlemen of the Lower House of Assembly,

I acquainted you by my former Message in general Terms, what his Lordship had been pleased to signify to me in relation to his Quit Rents, but since you desire a more particular Explanation of his Lordship's Expectations in this matter, I must inform you, that he cannot think any Composition reasonable under Five Thousand Pounds Sterling per annum, and although what he now receives yearly may not amount fully to that Sum, occasioned by the Arrears, which will certainly come in some Time or other, as the Lands are chargeable with them, yet it falls so little short, that in the Length of the Time for which he may be willing such Composition shall continue, his increasing Income must necessarily exceed it, in a very great Proportion, his Rents being augmented within these five years to almost four Hundred Pounds per Annum, besides a great many Certificates not yet examined, many still in Hands of the Surveyors, and Land Warrants located for great Quantities of Land, but not yet executed. p. 500

This his Lordship is so sensible of, that no other motive than what the Lower House expressed in their Address in the Session 1742, could induce his Lordship to hearken to any Proposal about his Quit Rents, but since in that Address in which they made a Proposal about the Quit Rents, the Lower House declared, "That they were inclined to do all in their Power, to bring about that good Harmony which had theretofore subscribed between his Lordship and his Ancestors, and the good People of this Province, and that if his Lordship was inclinable to come into their Proposal, they hoped the Directions which should be given to his Governor for the Purposes aforesaid, might contribute towards accomplishing that good Agreement between his Lordship and Tenants so much desired." And as you now desire me to communicate to you any Circumstances which I may think conducive to the Completion of this Matter, I must frankly tell you, that a Disposition in you not to be less forward in what may concern the Honour of Government, and Defence of the Province, than his Lordship's Inclination for the well being of his Tenants, will be the most likely Method to obtain the great End of Ease and Happiness to the whole Province, and consequently Satisfaction to his Lordship, and give me leave to assure you I shall reckon it one of the most fortunate Occurrences in my Life, if I could be in any Manner instrumental in procuring his Lordships Approbation of what may be concluded on here in a matter which so nearly concerns the Quiet and Welfare of Maryland.

T. Bladen

The House adjourns 'til 2 of the Clock.

L. H. J.
Liber No. 46

Post Meridiem

The House met according to Adjournment.

A Question was put, Whether this House will agree to settle Officer's Fees at one fifth Part less than what is now taken, provided, all Recording and Copying in the Secretary's Commissary's and Land Offices, and in the Chancery Court and Court of Appeals, be at 8 Pounds of Tobacco per side, and Searchers at 15 Pounds of Tobacco, and that the Commissary General receive no Fees for Services done by his Deputies. Resolved in the Affirmative.

For the Affirmative

M ^r Bond	M ^r D. Willson	M ^r John Hall
Abell	Dennis	Buchanan
Barnes	Lloyd	Gordon
I. Gresham	Thomas	Pemberton
Richard Gresham	Ennalls	T. Wilkinson
Harris	George	Hopper
H. Hall	Colvill	Purnell
Courts	Pearce	Selby
Harrison	Hyland	Outten
Stoughton	Sherredine	
King	Paca	

For the Negative

M ^r G. Willson	M ^r Brome	M ^r Wootton
Carroll	Mackall	Sprigg
P. Hammond	N. Goldsborough	Addison
Smith	J. Goldsborough	Bordley
Worthington	Hooper	T. Hammond
Jos. Hall	Lecompte	

M^r Goldsborough from the Committee of Aggrievances and Courts of Justice, delivers M^r Speaker the following Report, viz.

By the Committee of Aggrievances and Courts of Justice.

Your Committee take leave to inform your Honourable House, that some Time in December in the year 1743, the Reverend M^r Nathaniel Whitaker did draw his note payable to M^{rs} Theodosia Humphreys (now the wife of M^r Philip Key) for fifty shillings Current Money, and delivered the same to Mordecai Hammond for the use of the said Theodosia.

Your Committee further inform your Honourable House, that in March 1744, on the application of the said Mordecai Hammond to M^r Philip Jones, one of the Magistrates of Anne Arundell County, the said Hammond obtained a Warrant against the said Nathaniel Whitaker, who by Virtue thereof was carried before the said Jones, and that upon the said Hammonds alledging that the note aforesaid

was drawn Payable to himself, gave Judgment against the said Whitaker for the sum of fifty shillings (altho the said Whitaker insisted upon the said Hammond's producing the said Note, or making the usual Affidavit, to wit, that the note was lost and could not be found) and committed the said Nathaniel Whitaker to the Custody of the Constable of the Hundred, in order to be conveyed to the publick Goal of the said County, who continued in the Custody of the said Constable, 'til he the said Whitaker did satisfy and pay the said fifty Shillings and Costs thereon. Which partial and unprecedented Proceeding we take to be an Oppression, and tends to alienate the Minds of the People from the Right Honourable the Lord Proprietary of this Province: But is humbly submitted to the Consideration of your Honourable House.

L. H. J.
Liber No. 46
p. 501

Signed per Order E. Dorsey Ct. Com.

A Question was put, Whether this House will agree to 9 pound of Tobacco per Side, for Copying and Recording in the Secretary's Commissary's and Land Offices, and in the Chancery Court, and Court of Appeals Resolved in the Negative

For the Negative

M ^r Bond	M ^r Mackall	M ^r Wootton
Abell	Harrison	Sprigg
G. Willson	N. Goldsborough	Addison
Harris	Lloyd	Bordley
Carroll	Thomas	Pemberton
P. Hammond	I. Goldsborough	T. Wilkinson
Worthington	Hooper	T. Hammond
Hen. Hall	Lecompte	Hopper
Smith	Hyland	Purnell
Jos. Hall	Sherredine	Selby
Brome	Paca	

For the Affirmative

M ^r Barnes	M ^r D. Willson	M ^r John Hall
I. Gresham	Dennis	Buchanan
R. Gresham	Ennalls	Gorden
Courts	George	Outten
Stoughton	Colvill	
King	Pearce	

The House adjourns 'til To-Morrow Morning at 9 of the Clock.

Friday Morning, September 6. 1745

September 6

The House met according to Adjournment, and the Proceedings of Yesterday were read.

L. H. J. On reading the Report from the Committee of Aggrievances and
 Liber No. 46 Courts of Justice, concerning a Complaint made by Nathaniel Whitaker, against M^r Philip Jones a Magistrate of Anne-Arundel County, The Question was put, whether the House doth concur therewith. Resolved in the Affirmative.

A Question was likewise put, whether the further Consideration of the said Report be referred to the next Session of Assembly, Resolved in the Affirmative.

The Bill entituled, An Act to remedy some Defects in an Indenture of Bargain and Sale made and executed by Michael Curtis and Sarah his Wife &^a was read the second Time, and will pass.

The House adjourns 'til 2 of the Clock

Post Meridiem

The House met according to Adjournment

The Bill entituled, An Act for the Gauge of Barrels for Pork, Beef, Pitch, Tar, and Tare of Barrels for Flour or Bread; was read the second Time, passed, and sent to the Upper House, by Capt. Ennalls, and M^r Hyland.

It being moved by a Member, to resume the Vote of yesterday in relation to the 9 Pounds of Tobacco per Side.

A Question was put, Whether any Question shall be put concerning it, Resolved in the Negative

For the Negative

M ^r G. Willson	M ^r Mackall	M ^r Wootton
Harris	Harrison	Sprigg
Carroll	N. Goldsborough	Addison
P. Hammond	Lloyd	Bordley
Worthington	Thomas	Pemberton
Hen. Hall	I. Goldsborough	T. Hammond
Smith	Hooper	Hopper
Jos. Hall	Lecompte	
Brome	Hyland	

For the Affirmative

M ^r Bond	M ^r D. Willson	M ^r John Hall
Abell	Dennis	Buchanan
Barnes	Ennalls	Gordon
J. Gresham	George	T. Wilkinson
R. Gresham	Colvill	Purnell
Courts	Pearce	Selby
Stoughton	Sherredine	Outten
King	Paca	

The House adjourns 'til To-Morrow Morning at 9 of the Clock

Saturday Morning September 7, 1745

L. H. J.
Liber No. 46
September 7
p. 502

The House met according to Adjournment, and the Proceedings of Yesterday were read.

M^r Stoughton brings in an Address to his Excellency, which was read approved of, and ordered to be ingrossed.

M^r George brings in a Bill entituled, An Act for laying an Imposition on Tobacco for the Discharge of his Lordship's Quit Rents, and Support of Government, which was read the first Time and ordered to lie on the Table.

Richard Lee Esq^{re} from the Upper House delivers M^r Speaker the Bill entituled, A supplementary and additional Act to the Act entituled An Act for erecting a Town on the North Side of Potapsco in Baltimore County &^a Indorsed (See page 30)

The Bill to prohibit raising Swine and Geese in the Town of Cambridge in Dorchester County.

The Bill to impower and direct the Clerk of Anne Arundel County Court to enter and record among the said County Records, a Deed of Bargain and Sale from William Mitchel &^a

And the Bill entituled An Act to impower and direct the Clerk of Charles County to enter and record among the said County Records, a Deed of Bargain and Sale from James Connell and Anne his wife &^a

Severally indorsed (See page 30)

Which several Bills were here read, and passed for ingrossing.

Col Lloyd, from the Upper House delivers M^r Speaker the Bill entituled, An Act to record and make valid in Law a Deed indented of Bargain and Sale from John Awbrey to John Hussey, Indorsed, (See page 30).

The following ingrossed Address, viz.

To his Excellency Thomas Bladen Esq^{re} Governor of Maryland.

The humble Address of the House of Delegates of the said Province

May it please your Excellency,

We are obliged to your Excellency for communicating to us the Letter and Papers from Governor Clinton, relating to the six Nations of Indians in Amity with us; on which occasion we presume to observe, that this Province the last year was at great Expence to preserve the Friendship of those People, and then had from them the strongest Assurances of their Fidelity and unshaken Attachment to the British Dominion, and being satisfied this Province has not done any Act to occasion a Breach of those Engagements, we doubt not but a due Regard to their own Safety and Interest, and to the Promises and Professions they so solemnly then made, will be sufficient Motives with them to preserve a good Understanding and

L. H. J. Friendship with us; and we hope we shall stand excused from entering further into this matter at present.
Liber No. 46

Being read and assented to, was ordered, on Behalf of the House, to be signed by the Honourable Speaker.

William Stoughton Esq^{re} and M^r Mackall ordered to acquaint his Excellency, that this House hath prepared an Address to him, and desires to know when and where he will be pleased to receive it: They return and acquaint M^r Speaker his Excellency will receive it immediately in the Conference Chamber.

The same Gentlemen sent to present the Address: They return and acquaint M^r Speaker they have presented it.

M^r Speaker communicates to the House the following Message from the Governor, viz.

Gentlemen of the Lower House of Assembly.

In my Answer to your former Address on the Subject of Fines &^{ca} I distinguish those which arose at Common Law from such as were given by our Acts of Assembly, in a manner, that I did not doubt but the Members of your House who profess the Law would have satisfied you as to the Legality of what I said in the first, and the several Acts of Assembly would have convinced you as to the other: But I think you have run into Reasonings very foreign to both Points, and therefore I must be somewhat more particular, to p. 503 inforce what I before mentioned to you; but as I pretend to very little Learning in the Law, I shall speak a good deal from the Information I have received from such Gentlemen here as are allowed to be best acquainted with that Study.

As to the Common Law Fines, the Proprietary of this Province has the same Right to them, as the King to the common Law Fines &^a in the Courts of Westminster Hall, and Lords of Manors and other Seigniories to those arising in their Courts, Manors, and Seigniories: Those Fines &^{ca} were always reckoned as much a Part of the King's Revenue unaccountable to Parliament, as his Deme-sues; and the Fines &^a due to the several Lords received by them as Part of their Estates, by the same Right as their Rents, and with which their Tenants have nothing to do. Such Fines &^a due to the King, are amongst his casual Revenue next to his Firma Majores et Minores, and stiled in the Law Debita atterminata, and so called because Terms or Times of Payment were assigned by his Writs, and these Payments were on large Fines set, and Amerciaments affeered secundum Qualitatem Delicti et Quantitatem Contenementi: I mention so much of this Part of the Law, that those Gentlemen in your House who make the Law their Study may consult their Books, which will certainly inform them of the Truth of what I now say; by which means they may satisfy themselves and you, that what is urged by your Address, of the Common Law Fines &^a being received by the Proprietary in Trust for, and to the use of the People, has no

Foundation in Law or Reason, but that the King has an absolute uncontrollable Title to this Branch of his casual Revenue; the Proprietary of this Province to the Common Law &^{ca} or any other unappropriated Fines here; and Lords of Manors in England, to those in their Courts and in their Manors, and may dispose of them with as much Liberty, as any Person in the World can his own private Fortune and Estate: nor can your Supposition of the Proprietary being divested of the Government alter the Case; for it would be no otherwise, than if the Lord of a manor, or Possessor of an Estate should alienate or be deprived of that Estate, the Rents Privileges and Emoluments of that manor and Estate would be vested in the next Possessor; but surely that Change would not give a Right in those Rents, Privileges, or Emoluments, to any other person than to such Possessor; For although the King is intitled to the Common Law Fines Ratione Corona, the Proprietary Ratione Domini, the Lords of Manors Ratione Manerie, and private Persons to their Rents by Reason of their Estates; yet none of those Considerations make them accountable either to Parliament, People, Tenants, or any other Person, for what they so receive; for those Fines accruing by Breaches of the King's Peace and Violation of his Laws, where they are not particularly appropriated by positive Laws, must in the nature of them belong solely to his Majesty, who is reckoned in the Eye of the Law to be solely injured by such Transgression.

L. H. J.
Liber No. 46

As to the Fines &^e arising by Acts of Assembly, a bare Recourse to the Acts themselves will answer your Observation on that Head, and Charge of the several Officers not having done their Duty in their Payment to the Lord Proprietary: For pray, to whom do those Acts direct the Payment to be made? The Acts expressly declare to the Lord Proprietary; and yet you think fit to contend, the Officers ought to pay them to some Body else, or into some other Place than into his Lordship's Hands; tho' indeed you do not plainly say who ought to receive them, but content yourselves with talking of the Publick Treasure[r]: But since none of the Acts make mention of any such Payment to be made to any such Treasurer, I am certain your sense or wish in this Point cannot alter the Law; and it will be Time enough to charge the Officers with a non Compliance in their Duty, when they make such Payments to Persons not directed by the Acts to receive the same. I acquainted you by my former Message, that I could not learn that ever any other Fines than such as arose at the common Law were by the present Agent received, and they being Part of his Lordship's Estate, he was not accountable for them: And as to the Representatives of any Agents who are dead, I am unacquainted with them, and indeed if they were known to me, I could not oblige them to lay any Account before your House, unless they were Officers under his Lordship, and by that means under his Direction; but I cannot forbear hinting to you, that if his Lordship should be pleased to enter into an Account of his Expences for

L. H. J. what may be properly said to be in support of this Government, you
 Liber No. 46 would find very considerable sums, and not less than fifteen Hundred Pounds within a few years past disbursed for that Purpose; and I must acquaint you on this Head, that I believe myself, and probably my Predecessors, may have remitted and pardoned several Common Law Fines &^a and perhaps Act of Assembly Fines; but I presume any Lenity or Compassion of this kind, exercised towards the People, will not be thought exceptionable by their Representatives.

The Governor and Council are empowered by Act of Assembly to employ the Amerciaments in the Provincial Court as they think fit, and in Consequence of this Authority such Amerciaments (tho' by what I can find, not above One Thousand Pounds of Tobacco per annum, communibus Annis) have been allowed to the Clerk of the Council, which the Lower House of Assembly in the year 1715 were satisfied with: nor is this Disposition much different from what is done with those in Westminster Hall, for when the misericordias or Amerciaments became so inconsiderable that they were not worth the affeering and the King's Acceptance, such Amerciaments were allotted to some Officer of the Court, but never applied for the Benefit of the People.

I cannot help, Gentlemen, taking notice of your speaking of his
 p. 504 Lordship as Governor of this Province; it is an Appellation I shall not dispute with you, but at the same Time you must acknowledge he is the King's Governor and consequently plainly intitled, by the express Words of the Act of 1704, to the Fund provided by that Act to the Support of Government.

M^r Harrison hath leave of the House to go Home.

Ordered, that the Clerk of this House give notice to the absent Members that their immediate Attendance is required.

The House adjourns 'til Monday Morning at 9 of the Clock.

September 9

Monday Morning, September 9. 1745

The House met according to Adjournment. All members present as on Saturday, except M^r Harrison and M^r John Goldsborough.

The Proceedings of Saturday were read.

On Motion of a member that an Address be prepared to his Excellency, to order to be laid before this House the neat Amount of his Lordship's Quit Rents:

Ordered, that Col. King, and M^r George prepare an Address accordingly.

Col King brings in the Address to his Excellency, which was read, approved of, and ordered to be ingrossed.

The following ingrossed Bills, viz.

L. H. J.
Liber No. 46

An ingrossed Bill entitled A supplementary and additional Act to the Act entitled An Act for erecting a Town on the North Side of Potapscow in Baltimore County, and for laying out in Lots sixty Acres of Land in and about the Place where John Fleming now lives; and to an Act entitled, An Act for erecting a Town on a Creek divided on the East from the Town lately laid out in Baltimore County called Baltimore Town, on the Land whereon Edward Fell keeps Store:

An ingrossed Bill entitled, An Act to impower and direct the Clerk of Anne Arundel County Court, to enter and record among the said County Records a Deed of Bargain and Sale from William Mitchel, Edward Mitchel and Grace his wife, to Mordecai Moore, deceased:

An ingrossed Bill entitled, An Act to impower and direct the Clerk of Charles County to enter and record among the said County Records, a Deed of Bargain and Sale from James Connell and Anne his wife, to John Dunbarr, of a Parcel of Land therein mentioned:

And an ingrossed Bill entitled, An Act to prohibit raising Swine and Geese in the Town of Cambridge in Dorchester County:

Were severally read and assented to, and sent to the Upper House, with the Paper Bills, by Capt. Ennalls and Dr Buchanan.

The House adjourns 'til 2 of the Clock.

Post Meridiem

The House met according to Adjournment

The following ingrossed Address, viz.

To his Excellency Thomas Bladen Esq^{re} Governor of Maryland.

The humble Address of the House of Delegates of the said Province.

May it please your Excellency

There now lies before this House a Bill for laying an Imposition on Tobacco for the Discharge of his Lordship's Quit Rents, and Support of Government; but prior to passing the same, and making the proper Estimates, we find it necessary to know the annual Amount of the Quit Rents, being desirous to give his Lordship a full Equivalent for them: Wherefore we humbly request your Excellency will give Orders that his Lordship's Agent, or other proper Officers, may lay before this House, an Account of the neat yearly Amount of the Quit Rents in the several Counties respectively.

Being read and assented to, was ordered, on Behalf of the House, to be signed by the honourable Speaker.

Col. Colvill and Col. Hall ordered to acquaint his Excellency, that this House hath prepared an Address to him, and desires to know when and where he will be pleased to receive it: They return and

L. H. J. acquaint M^r Speaker he will receive it in half an Hour in the Conference Chamber.
Liber No. 46

Col King and Capt. Gordon sent to present the Address: They return and acquaint M^r Speaker they have presented it.

p. 505 Resolved, That this House will not proceed to any new Business after Wednesday next.

The petition of the Back Inhabitants of Prince George's County praying Leave that a Bill may be brought in for the Division of the said County, read and granted: And Ordered, that M^r Smith, William Stoughton Esq^{re} and Major Hall, be a Committee to enquire where the Division of the said County may most conveniently run

The petition of sundry the Freeholders and Inhabitants of the Upper Parts of Dorchester and Queen Ann's Counties praying that a Bill may be brought in, for erecting a new County out of the upper Parts of the said Counties, read and granted: And Ordered, that the aforementioned Gentlemen be likewise a Committee to enquire where the Bounds of the said County may most conveniently run.

A Bill entituled, An Act for ascertaining the Allowance of Petit Jurors attending the Provincial Court, and to limit Costs with respect to Evidences, was brought in.

M^r William Wilkinson appears in the House.

William Stoughton Esq^{re} brings in an Address to his Excellency, which was read, approved of, and ordered to be engrossed.

On reading the Message from his Excellency communicated to this House, with Accounts relating to the building of a House for the Governor: A Question was put, Whether the Consideration thereof shall be referred to the next Session of Assembly or not? Resolved in the Affirmative.

The House adjourns 'til To morrow Morning at 9 of the Clock.

Tuesday Morning, September 10. 1745

September
10

The House met according to Adjournment, and the Proceedings of yesterday were read.

Richard Lee Esq^{re} from the Upper House delivers M^r Speaker a Petition of Francis Waring, praying Leave to bring in a Bill to vest in the Petitioner, and the Heirs of his Body, and for want of such Heirs, in the Heirs of the Body of Basil Waring, Part of two Tracts of Land called Mazooncon and Addition; Indorsed (See page 31)

Which petition being read, Col. Hooper and M^r Sprigg, are appointed to enquire into the Truth of the Facts therein set forth.

A Motion being made by a Member, that this House take some further Steps this Session, for obtaining an Officer's Fee Bill; the House agrees thereto.

Mr Speaker communicates to the House the following Message, L. H. J. and Estimate of the Amount of his Lordship's Quit Rents, viz. Liber No. 46
Gentlemen of the Lower House of Assembly,

In Answer to your Address concerning the Quit Rents, I have received the Account herewith sent you, from my Lord's Agent, of the nett yearly Amoust of them in the several Counties: Besides what is now received there are as I am informed, considerable sums in Arrear, which will certainly be received as the Land is chargeable with them; there are a great many Certificates in the Office which are not yet carried to the Rent Roll, a great many still in the Hands of the Surveyors, and warrants located for great Quantities but not yet executed; when all these are added, which will be in about a Year, they will increase the Amount of his Lordship's Rents very considerably.

My Lord, upon the Expiration of the late Revenue Bill, found his Rent Rolls in very great Disorder and Confusion, which put him under the necessity of allowing very great Discounts to those who farmed the Rents in some parts of the Province, and Ten per Cent Commission to Receivers: But when the Contracts with the Farmers expire, as the Rent Rolls are in good order, the Sheriffs can afford to collect the Rents for Five per Cent, because they will have the Power of Distraining, and the incident Fees.

When all these Things are considered, and that the Rents have increased in five years past to the Amount of almost four Hundred Pounds per Annum, it is very probable that the Rents, in a very few Years, will exceed £6000 Sterling per Annum, clear of Charges; and that they will still continue increasing is certain; His Lordship is very sensible of this; whence it is evident, that nothing can induce him to condescend to so low a Composition, but a Consideration of the Difficulties his Tenants are under to raise Sterling money, and an Inclination to do every Thing in his Power for their Ease.

T. Bladen

Somerset and Worcester Counties are so intermixed, that the p. 506 Amount of each cannot be distinguished, but the whole comes to, by the Receivers Accounts nett, after Deduction of Commission

	£759..16..6
Dorset, Ditto	360.. 0..0
Talbot, Ditto	274.. 5..7
Queen Anne Ditto	278.. 1..0
Kent, Ditto	243.. 8..1
Cecil, Ditto	189.. 4..7
Baltimore Ditto	605..11..1
Anne Arundel Ditto	432.. 9..1
Calvert, Ditto	115..15..4

L. H. J. Liber No. 46	Several Lands have been discovered in the three last Counties which are not yet carried to the Rent Rolls, so as to distinguish what Part lies in each County, whereof the whole Rent amounts to, per Annum, Ditto	74.. 4..6
	Prince George's County, Ditto	803.. 6..1
	Charles County Ditto	263.. 8..6
	St. Mary's County, Ditto	169.. 9..0
		£4568..15..4

The whole Sum which the People now pay amounts to	5369..11..3
The Sheriffs will collect this for 5 per Cent, which is	268.. 9..1

His Lordship will then receive nett 5101.. 2..2
 Besides Arrears, Certificates not carried to the Rent Rolls, those in the Hands of the Surveyors, Warrants located, and future Increase
 The House adjourns to 2 of the Clock

Post Meridien

The House met according to Adjournment

The House taking into Consideration the Governor's Message of Saturday, concerning Fines Forfeitures &c^a Ordered that the Committee of Laws, prepare an Address in answer thereto.

The following ingrossed Address, viz.

To his Excellency Thomas Bladen Esq^{re} Governor of Maryland:

The humble Address of the House of Delegates of the said Province.

May it please your Excellency.

Altho' we were greatly concerned on reading the Introduction to your last Message, relating to the Pound of Tobacco per Taxable, intimating that your Excellency's Opinion, differed from that of this House upon the Right of Levying the same; and the more so, as we had previous to our last Address to your Excellency on that Head, given it the fullest Attention and Consideration we were capable of; yet from the subsequent Parts of that Message we have great Hopes, that when you shall have considered the several Laws, which are the Subject matter of this Controversy between us, with the same Attention that we have done, you will not think us wrong in our Opinion.

We believe with your Excellency, that (in general) the Difference between a perpetual and temporary Law is, "That there is no Time limited for the Duration, Operation, or Continuance of the former, and that therefore it must continue in force 'til it is repealed: That the latter having a fix'd or limited Time for it's Duration or operation, it must certainly expire, when the Time so fixed or limited

expires, or the End for which it was made is fully answered, unless it is continued by another Law." But we cannot see how this Distinction can any way serve your Excellency's Purpose; for if the former Part of that Distinction be applied to the Law of 1715, that is evidently no such Law as must continue in force until it be repealed; and there is in the Body of it according to your own Admission, a Time limited for it's Duration, which makes it but a temporary Law, expressly according to the latter Part of that Distinction: Nor can we apprehend how that Distinction can avail your Excellency, so as to make the Law of 1722 a perpetual Law for want of a Limitation given either to it, or in it, to the Law of 1715, and from whence we suppose it may be endeavoured to be inferred, that the Law of 1715 is thereby made perpetual; for however true in general that Distinction may be, yet we must humbly contend the present Case is not within it as to your Excellency's Purpose, because altho' in the Enacting a Law in the first Instance, it must necessarily be supposed from the not giving it a Limitation, to be the Intention of the Legislature that it should be perpetual, unless it be in it's nature made but for a temporary Purpose, yet we apprehend there is no room for the like Supposition in the present Dispute: The Law of 1715 is by a Clause in the Body of it temporary only, this being near expiring, is by a Law in 1722 (for we need not perplex this Question by taking notice of the intermediate reviving Law of 1719) revived and continued in full Force, without expressing any Term of Continuance either for the Law of 1715, or for that reviving Law of 1722; the Case being thus circumstanced, if there be no necessity to suppose it the Intention of the Legislature that the Law of 1715, should by that of 1722 be made perpetual, this Case is then clearly without that Distinction as to your Purpose, and cannot therefore be affected by it; and that Law may, notwithstanding any Circumstances in this Case, have been but temporary and long since expired; and to that Purpose, when that Law in 1715 was revived by that in 1722, the Clause of Limitation in the former was likewise revived with the rest of that Law, and has as much Force and Effect as any other Part of it, and may consequently be taken as a new Term for its Duration, at the End of which it has expired, for want of another Law to revive and continue it afterwards, and we think this temporary Revival of the former Law, is not only a sufficient Reason for the Legislature's making that reviving Law in 1722, but will also satisfy and give Effect and meaning to the Words "Revived and Continued in full Force," and will consequently remove that necessary Supposition of an intended Perpetuity before mentioned; and then this last Law having fully "answered the End for which it was made" by giving the former Law a further Duration for three Years, is we think according to your Excellency's Distinction, and wherein you admit that a Law having no particular Limitation may yet be temporary, certainly expired; and by this

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L. H. J. Construction every Part of those Laws in 1715 and 1722 are consistent with and reconcileable to each other; whereas by the Construction contended for by your Excellency, that Law of 1722 must be perpetual without any Words or Expressions, or necessary Inference, according to the Circumstances of this Case, to shew it to be the Intention of the Legislature it should be so, and to that End, must contrary to all Reason, be taken as an implied Repeal of that continuing Clause in the Law of 1715, tho' that Clause appears to have been thereby revived with the Law: Nor can we agree with your Excellency, that the Addition of any more or other Words to make that Law perpetual, would have been superfluous after reviving and continuing that Act "in full force," because we think the Addition of the Words "for ever," to the Law of 1722, or Words expressly repealing the continuing Clause in the Law of 1715, or reviving all that Law except that Clause, would have shewn the Intention of the Legislature to have made those Laws of a perpetual Duration, which would have prevented this present Dispute between us "nor can it be doubted, that if those who made the Law under Consideration had intended it should have been "perpetual," but they would have expressed such their Intention when they might very easily have done it and in few Words." As to your Excellency's Position, that "it is a dangerous Doctrine to set up Conjectures, or even the strongest Parol Proof of any kind, that a Law was intended to be different from what it really appear to be from the Terms of it": We shall give it no further Answer, than as we cannot agree that those Laws taken together do appear from the Terms of them, to have been intended by the Legislature to have been perpetual, we have made no use of any such Methods, our Part of this Question, we think, not needing any such, but have barely confined ourselves to the Consideration of what appears upon the Face of the Laws themselves, which are the Subject of this Dispute: And we must observe, that it is the Practice of the Parliament of Great Britain, upon the making temporary Laws perpetual, not only to recite in the perpetuating Law, the great Benefits and Advantages arising from the temporary one, but also to continue, or revive it" or to "be and is hereby made perpetual," or some like Expression, to shew their Intention, that it shall for the future cease to be temporary: neither of which has been done in the Case now before us, and wherein we apprehend some such Form of Expression ought the rather, and certainly would have been used to have discovered such Intention of our Legislature, if any such they had, as the Law of 1715 is in it's nature not only penal, but greatly affects the Liberties and Properties of all the People of this Province, very few excepted.

We come now to the consideration of that Part of your Excellency's Message relating to the Law of 1732, which did not escape the notice either of this House, or as you are pleased to express yourself, of those who penned our Address; but the true Reason

why it was not mentioned in that Address was, that as we did not apprehend it any way affected the Laws either of 1715 or 1722, we thought it unnecessary to stuff that Address with any matter which was not pertinent to the Subject in hand: But since your Excellency by your Message seems to think otherwise, we must beg leave to consider the Reasons you have offered for support of that Opinion. You are pleased to say that the Law in 1732 Entituled, A supplementary Act to the Act for the ordering and regulating the Militia of this Province for the better defence and Security thereof, is a perpetual Law, If your Excellency will consider that Law as independent of, and without relating to, any other Law, as it cannot in that Light by any means affect either the Laws of 1715 or 1722, and will be consequently out of the present Question, we shall not now trouble you with any Thing concerning it, but as we presume, from the use you seem inclinable to make of that Law, you would rather suppose it to be a supplementary Law, we must beg leave to enquire, as briefly as the Nature and Importance of this Dispute will admit, to what Law it is so, and what must be the Fate of it, in order to which we shall turn to such Places in that Law of 1732, as have any Reference to a former Militia Law; and besides the Title already mentioned, the latter Half of the Preamble runs thus, "And whereas the several Provisions hitherto intended by the Legislature of this Province, as well as the several Sums of Money laid out in the Purchase of Arms and Ammunition for those purposes, have not had the desired Effect, in a proper Regulation of the Militia of this Province, by reason of some Defects in the Laws already made" The first enacting Clause is thus "That any Colonel Lieutenant Colonel, or Major, already commissioned, or hereafter to be commissioned, by the Governor or Commander in Chief for the Time being, or any two or more of them, shall have the same Powers and Authorities, in the Execution of any Laws now in force concerning the Militia. as the Colonel, Lieutenant Colonel, or Major, intended by the said Laws, are invested with Provided, the Number of such Officers, who shall at any Time act, or execute any Part of the same Laws, be the same as is directed for such Purposes, by the said Laws." The last enacting Clauses in Page 25 of the Laws of that Session, is in these Words, "That the Captain, Lieutenants, and Ensign, or any two of them, shall have the same Powers and Authorities to execute this, or any other of the Laws now in force within this Province, relating to the Militia thereof, in and over their Company or Companies, in as full and ample manner, as the Colonel, Lieutenant Colonel, or Majors, or any two of them, can or may do, in and over their Respective Regiments, Troops, or Companies, by Virtue of this, or any other Law now in force." The last enacting Clause in Page 27 stands thus; "And whereas there is not any Exemption by the Laws now in force, of any member of his Lordship's Council,

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L. H. J. and of the Upper House of Assembly; Be it therefore Enacted by
 Liber No. 46 the Authority aforesaid, by and with the Advice and Consent afore-
 said, That no such Member shall be obliged to serve in the Militia,
 or be enrolled or inlisted in any Regiment, Troop, or Company
 thereof; any Law to the contrary notwithstanding." These are all
 the Places of that Law in 1732, which we can find in any way re-
 ferring to any former Militia Law whatever; and we think are so
 worded, as not to refer to any particular Law, but generally to "such
 as are now in force within this Province, relating to the Militia
 thereof." From which manner of wording it is plain, that the Legis-
 lature only intended this as a supplementary Law to such Laws
 relating to the Militia, as were at the Time of the making thereof
 actually in force, and to none other; and if those Laws of 1715 and
 1722 were, long before the making of this, expired, as we hope is
 by the former Part of this Address to your Excellency sufficiently
 made out, then we clearly think this latter Law can be no supple-
 mentary Law to them: Nor can we think your Excellency's Part
 of this Question is in any manner strengthened by the Title to this
 Law of 1732; for besides that we conceive the Title to a Law is no
 Part of that Law, yet admit it were, it must be construed consis-
 tently with the different Parts of the Body of the Law it self; and
 then it will stand thus, A Supplementary Act to such Act for the
 ordering and regulating the Militia of this Province, for the better
 Defence and Security thereof, as is now in force," and leaves the
 matter as before; and there being no former Militia Law in force at
 the Time of making this last Act, it cannot be a supplementary Law
 to one having no Being: And we must beg leave to observe, that we
 cannot find that the legislative Power (that is in the year 1732) did
 not think the Act of 1715 was expired, but on the contrary looked
 upon it to be, as it really is, a perpetual Law, referred to it in several
 Places, and supplied some Defects in it; for besides that we have
 before shewn that it does not appear to be a perpetual Law, we not
 only think it strange, that had they looked on the Law of 1715 to
 p. 509 have been in force, they should not have recited it so, or in some
 Part or other of that long Law have referred to it in express Terms,
 but we also conceive that by the before recited Clauses of the Act of
 1732, referring generally to such Laws relating to the Militia as
 were then in force, they seem cautiously to have avoided saying any
 Thing which might thereafter be taken as an Acknowledgment that
 any Law whatever relating to the Militia was in force, and choosing,
 from a Multiplicity of Business, or some other Reason, rather than
 at that Time to go into the Consideration, and perhaps a Dispute, on
 the Existence of any such Law, to refer the Determination of it to
 some other Season; and were we to admit they did think that some
 Law relating to the Militia was then in force, since there is none par-
 ticularly named why must it be the Law of 1715 were there no

Militia Laws prior to that? Your Excellency may easily be informed there were several Laws made long before that of 1715 and under the very same Title; why then may not this Law of 1732, if tis to be taken as a supplementary Law, have been intended as a Supplement to some of those former Laws, as well as to that of 1715. If you should say those former Laws were repealed or expired, we must beg leave to answer, that of 1715, long before the making the Law of 1732, was expired; and as this of 1732 contains no particular Description, whereby we may distinguish what former Laws might be meant, the one may as well be conjectured to be meant as the other: Nor would that Apprehension, that some former Militia Law was then in force, and that the Law of 1715 in particular was so, be any Revival of that Law, there being we conceive a manifest Difference between supposing, or taking for granted, that a Law which is actually expired is in force, and an express Intention to revive or give a new Being to any such Law; and as to the first, they might consistently enough upon that Supposition have made a Supplement to aid some Defects in such Law, which upon considering it was not in force, they perhaps never would have revived, and as to the latter, there is not in the Law of 1732 any Expression which shews their Intention to give new Life or Being to any Law, which had been before then expired; and a bare Apprehension, supposing there were, any such, that the Law of 1715 was in force, would be so far from having such Effect as is contended for, that it would not revive that Law, but would also render the Result of that Apprehension entirely void and frustrate, agreeable to that known Rule, that whatever is grounded upon an Untruth, is so far from changing it's nature into a Truth, that on the contrary such Superstructure is thereby rendered entirely void. And if your Excellency will persist in having this latter a Supplementary Law, we take the Consequence to be this, that the Law to which this Law was intended as supplementary, and on the Existence of which it must consequently depend, having no Being at the Time, and by that means there being no Foundation, this supplementary Law, which is the Superstructure, must inevitably fall to the Ground.

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Having already taken up so much of your Excellency's Time in the foregoing Part of this Address, and, as we think, shewn the Insufficiency of any Arguments hither to made use of to establish the Existence of the Law of 1715, under which you say the One Pound of Tobacco per Taxable was levied, we shall say little upon the Construction of those Clauses recited in your message, and which being taken for the present as they stand there, we apprehend from the plain and obvious Construction of them, it will be no difficult matter to guess at the Sincerity of your Excellency's and the Council's Resolution not to exercise that Power which you contend you are invested with, without the greatest necessity "and we shall

L. H. J. readily leave it according to your own Offer, to the Determination
 Liber No. 46 of the unbiassed Part of mankind, how sincerely and heartily your
 self and the Council have in this Instance detested infringing the
 Liberties of the People of Maryland;” and also how far your Justi-
 fication of your and their Conduct in this Point, by your last message,
 will be a Proof of it; as also how far you and they “ have acted with
 a true and sincere Regard to the Welfare and Ease of the People,
 in charging them with only a single Pound of Tobacco instead of
 calling an Assembly, which would very probably have cost them
 more than ten Times that Quantity,” when there not only does not
 appear to be any necessity for levying that Pound of Tobacco, there
 being no Widows or Orphans to provide for; but also when there
 does appear to have been an Assembly sitting within that very year,
 before the levying of it, and when the publick Levy might and ought
 to have been laid; besides the present one now sitting, within a year
 after the Order for levying it; and also how far the same Argument
 may be made use of, for the levying in like manner larger Sums of
 Tobacco or Money on the People, and may be carried to dispense
 with the Practice of Assemblies meeting at all.

And to conclude, as we are fully satisfied that the Law of 1715
 has long since expired, we must humbly hope, that neither your
 Excellency nor the Council, nor both together, for the Time being,
 will levy this 50,000 lb of Tobacco on the People, not only not once
 in every year in the Interval of Assemblies,” but not even “ once in
 many years ” nor at all for the future.

Being read and assented to, was ordered, on behalf of the House,
 to be signed by the Honourable Speaker.

D^r Buchanan and M^r Barnes ordered to acquaint his Excellency,
 that this House hath prepared an Address to him, and desires to
 know when and where he will be pleased to receive it. They return
 and acquaint M^r Speaker he will receive it immediately in the Con-
 ference Chamber

p. 510 William Stoughton Esq^{re} with thirteen others sent to present the
 Address. They return and acquaint M^r Speaker they have pre-
 sented it.

On motion of a Member, that a Bill be brought in for Relief of
 insolvent Debtors; Leave is given, and Ordered, That the Commit-
 tee of Laws prepare and bring in the same.

The House adjourns ’til To-Morrow Morning at 9 of the Clock.

September
 11

Wednesday morning, September 11, 1745

The House met according to Adjournment, and the Proceedings
 of Yesterday were read.

Col. Henry appears in the House

The Bill entituled, An Act to remedy some Defects in an Indenture of Bargain and Sale made and executed by Michael Curtis and Sarah his Wife &^{ca} was sent to the Upper House by M^r Nicholas Goldsborough, and five others. L. H. J.
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Col. Hooper delivers M^r Speaker the following Report, viz.

By the Committee appointed to enquire into the Facts set forth in Francis Waring's Petition.

Your Committee having taken the Petition of Francis Waring under Consideration, beg leave to inform your Honourable House, that Col. Thomas Greenfield, by his Deed of Gift bearing date the 12th Day of February, Anno Domini 1714, did make over unto Basil Waring, and Martha his Wife, and the Heirs of their Bodies on the said Martha begotten, all that Tract or Parcel of Land being Part of Mazooncon and Part of Addition, lying in Prince George's County, containing 246 Acres, which said Deed was in due Form of Law acknowledged and recorded within six months from the Execution thereof, in the Land Records of the said County

We find likewise that the said Martha Waring, by her Deed of Gift, bearing date the 30th Day of November, Anno Domini 1733, did make over unto your Petitioner Francis Waring, the abovesaid 246 Acres of Land

Your Committee likewise beg leave to inform your Honourable House, that Thomas Waring, Brother to the said Francis Waring your Honour's Petitioner, by his Letter bearing date the 7th of this instant September hath given his consent to the Granting the Petition of the said Francis Waring. All which is humbly submitted to your Honourable House.

Henry Hooper Osborn Sprigg

On reading of which, the House concurs therewith, and the Petition therein mentioned is granted.

The following Message, (See page 34)

Was sent to the Upper House by M^r Thomas and Col. Hall

The House adjourns to 2 of the Clock

Post Meridiem

The House met according to Adjournment

Col. Hammond from the Upper House delivers M^r Speaker the following Message, (See page 35)

It being moved to read the second Time the Bill entituled, An Act for laying an Imposition on Tobacco for the Discharge of his Lordships Quit Rents, and Support of Government; p. 511

A Question was put, Whether the said Bill shall have a second Reading now, or not? Resolved in the Affirmative.

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For the Affirmative

M ^r Abell	M ^r Lloyd	M ^r Gordon
Barnes	Thomas	Pemberton
G. Willson	Hooper	T. Wilkinson
I. Gresham	Ennalls	T. Hammond
R. Gresham	Lecompte	Hopper
Harris	George	Henry
Courts	Colvill	Purnell
Stoughton	Pearce	Selby
King	Hyland	Outten
D. Willson	John Hall	
Dennis	Buchanan	

For the Negative

M ^r Bond	M ^r Jos. Hall	M ^r Paca
Carroll	Brome	Wootton
P. Hammond	Mackall	Sprigg
Worthington	W. Wilkinson	Addison
Hen. Hall	N. Goldsborough	Bordley
Smith	Sherredine	

On reading the said Bill, the Sums of Five Thousand, and Four Thousand Five Hundred Pounds Sterling, being severally proposed to be inserted therein, to be paid to his Lordship in lieu of his Quit Rents: The Question was put, which of the two Sums should be inserted? Resolved that the Five Thousand Pounds be inserted

For the Five Thousand Pounds.

M ^r Abell	M ^r Thomas	M ^r Gordon
Barnes	Hooper	Pemberton
G. Willson	Ennalls	T. Wilkinson
I. Gresham	Lecompte	T. Hammond
R. Gresham	George	Hopper
Harris	Colvill	Henry
Courts	Pearce	Purnell
Stoughton	Hyland	Selby
King	Paca	Outten
D. Willson	John Hall,	
Dennis	Buchanan	

For the Four Thousand Five Hundred Pounds

M ^r Bond	M ^r Jos. Hall	M ^r Sherredine
Carroll	Brome	Wootton
P. Hammond	Mackall	Sprigg
Worthington	W. Wilkinson	Addison
Hen. Hall	N. Goldsborough	Bordley
Smith	Lloyd	

A Question was likewise put, Whether his Lordship's Alienation Fines be inserted in the said Bill? Resolved in the Negative

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p. 512

For the Negative

M ^r Abell	M ^r Thomas	M ^r Gordon
Barnes	Hooper	Pemberton
G. Willson	Ennalls	T. Wilkinson
I. Gresham	Lecompte	T. Hammond
R. Gresham	George	Hopper
Harris	Colvill	Henry
Courts	Pearce	Purnell
Stoughton	Hyland	Selby
King	Paca	Outten
D. Willson	John Hall	
Dennis,	Buchanan	

For the Affirmative

M ^r Bond	M ^r Jos. Hall	M ^r Sherredine
Carroll	Brome	Wootton
P. Hammond	Mackall	Sprigg
Worthington	W. Wilkinson	Addison
Hen. Hall	N. Goldsborough	Bordley
Smith	Lloyd	

The House adjourns 'til To-morrow Morning at 9 of the Clock.

Thursday Morning September 12. 1745

September
12

The House met according to Adjournment, and the Proceedings of Yesterday were read.

The Clerk being ordered to proceed in Reading the Bill for laying an Imposition on Tobacco for the Discharge of his Lordship's Quit Rents &^a A Question was put, Whether a Duty shall be laid on any other Commodities than Tobacco? And the House being equally divided, M^r Speaker gave his Voice for laying a Duty upon other Commodities; which Resolved the Question in the Affirmative.

For the Affirmative

M ^r Bond	M ^r Jos. Hall	M ^r Sherredine
Abell	Brome	Paca
Barnes	Mackall	John Hall
Carroll	Courts	Buchanan
P. Hammond	W. Wilkinson	Wootton
Worthington	N. Goldsborough	Sprigg
Hen. Hall	Lloyd	Addison
Smith	Thomas	Bordley

L. H. J.
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For the Negative

M ^r G. Willson	M ^r Hooper	M ^r Pemberton
J. Gresham	Ennalls	T. Wilkinson
R. Gresham	Lecompte	T. Hammond
Harris	George	Hopper
Stoughton	Colvill	Henry
King	Pearce	Purnell
D. Willson	Hyland	Selby
Dennis	Gordon	Outten

A Question was then put, Whether the House will now proceed to fill up the Blanks in the said Bill left to insert the Duty to be laid on Tobacco? Resolved in the Affirmative.

For the Affirmative

M ^r Barnes	M ^r Hooper	M ^r T. Wilkinson
G. Willson	Ennalls	T. Hammond
I. Gresham	Lecompte	Hopper
R. Gresham	George	Henry
Harris	Colvill	Purnell
Stoughton	Pearce	Selby
King	Hyland	Outten
D. Willson	Gordon	
Dennis	Pemberton	

For the Negative

M ^r Bond	M ^r Brome	M ^r Paca
Abell	Mackall	John Hall
Carroll	Courts	Buchanan
P. Hammond	W. Wilkinson	Wootton
Worthington	N. Goldsborough	Sprigg
Hen. Hall	Lloyd	Addison
Smith	Thomas	Bordley
Jos. Hall	Sherredine	

A Question was likewise put, Whether the Duty proposed by the said Bill to be laid on Tobacco, for Discharge of his Lordship's Quit Rents, be Two Shillings and nine Pence, or Two shillings and six Pence, per Hogshead, Resolved that it be Two Shillings and nine Pence

For Two Shillings and nine Pence

M ^r Barnes	M ^r Hooper	M ^r Pemberton
G. Wilson	Ennalls	T. Wilkinson
I. Gresham	Lecompte	T. Hammond
R. Gresham	George	Hopper
Harris	Colvill	Henry
Stoughton	Pearce	Purnell
King	Hyland	Selby
D. Willson	Buchanan	Outten
Dennis	Gordon	

For Two Shillings and Six Pence

L. H. J.
Liber No. 46

M ^r Bond	M ^r Brome	M ^r Paca
Abell	Mackall	John Hall
Carroll	Courts	Wootton
P. Hammond	W. Wilkinson	Sprigg
Worthington	N. Goldsborough	Addison
Hen. Hall	Lloyd	Bordley
Smith	Thomas	
Jos. Hall	Sherredine	

The House adjourns to 2 of the Clock

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Post Meridiem

The House met according to Adjournment

The Clerk was ordered to go on with the Reading of the Bill for laying an Imposition on Tobacco &^a and it being proposed in the said Bill to lay a Duty on Tobacco for Support of Government, A Question was put, Whether that Duty be Twelve Pence per Hogshead, or nine Pence Resolved that it be Twelve Pence

For Twelve Pence

M ^r Abell	M ^r Dennis	M ^r Pemberton
Barnes	Hooper	T. Wilkinson
G. Wilson	Ennalls	T. Hammond
I. Gresham	Lecompte	Hopper
R. Gresham	George	Henry
Harris	Colvill	Purnell
Stoughton	Pearce	Selby
King	Hyland	Outten
D. Wilson	Gordon	

For nine Pence

M ^r Bond	M ^r Mackall	M ^r John Hall
Carroll	Courts	Buchanan
P. Hammond	W. Wilkinson	Wootton
Worthington	N. Goldsborough	Sprigg
Hen. Hall	Lloyd	Addison
Smith	Thomas	Bordley
Jos. Hall	Sherredine	
Brome	Paca	

On motion of a Member, that Three Pence of the Twelve Pence per Hogshead for Support of Government, be applied for the Purchasing Arms and Ammunition for Defence of this Province: A Question was put, Whether the said Three Pence shall be applied that Way? Resolved in the Negative.

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For the Negative

M ^r Barnes	M ^r Hooper	M ^r T. Wilkinson
G. Wilson	Ennalls	T. Hammond
I. Gresham	Lecompte	Hopper
R. Gresham	George	Henry
Harris	Colvill	Purnell
Stoughton	Pearce	Selby
King	Hyland	Outten
D. Wilson	Gordon	
Dennis	Pemberton	

For the Affirmative

M ^r Bond	M ^r Brome	M ^r Paca
Abell	Mackall	John Hall
Carroll	Courts	Buchanan
P. Hammond	W. Wilkinson	Wootton
Worthington	N. Goldsborough	Sprigg
Hen. Hall	Lloyd	Addison
Smith	Thomas	Bordley.
Jos. Hall	Sherredine	

Fifteen Years, and seven Years, being severally proposed for the Continuance of the Bill under Consideration, A Question was put, Which of those Terms shall be it's Duration? Resolved that it be Fifteen Years

For Fifteen Years.

M ^r Abell	M ^r Lloyd	M ^r Pemberton
Barnes	Thomas	T. Wilkinson
G. Wilson	Hooper	T. Hammond
I. Gresham	Ennalls,	Hopper
R. Gresham	Lecompte	Henry
Harris	George	Purnell
Stoughton	Colvill	Selby
King	Pearce	Outten
D. Willson	Hyland	
Dennis	Gordon	

For seven Years

M ^r Bond	M ^r Brome	M ^r John Hall
Carroll	Mackall	Buchanan
P. Hammond	Courts	Wootton
Worthington	W. Wilkinson	Sprigg
Hen. Hall	N. Goldsborough	Addison
Smith	Sherredine	Bordley
Jos. Hall	Paca	

The House having agreed to make some Amendments to the L. H. J. Bill, it was committed to the Committee of Laws to be amended Liber No. 46 accordingly.

The House adjourns 'til To-morrow Morning 9 of the Clock.

Friday Morning September 13. 1745

September
13

The House met according to Adjournment, and the Proceedings of Yesterday were read.

Ordered, That Col. King, M^r George, M^r Philip Hammond, M^r Smith, Col. Colvill, and D^r Carroll, be a Committee to enquire what Commodities, besides Tobacco, it will be convenient to tax, and how much, towards raising a Sum to be paid to his Lordship in Lieu of his Quit Rents.

Ordered, That the Clerk of this House give notice to the absent Members, that their immediate Attendance is required.

M^r Philip Hammond delivers M^r Speaker the following Report, p. 514
(See page 31)

On reading of which, the House concurs therewith.

p. 515

On reading the Message of Wednesday from the Upper House, by Col. Hammond, A Question was put, whether the House will now answer the said Message in all its Parts? Resolved in the Affirmative.

For the Affirmative

M ^r G. Willson	M ^r Brome	M ^r Paca
Harris	Mackall	John Hall
Carroll	Courts	Wootton
P. Hammond	W. Wilkinson	Sprigg
Worthington	N. Goldsborough	Addison
Hen. Hall	Lloyd	Bordley
Smith	Hooper	Pemberton
Jos. Hall	Hyland	T. Hammond

For the Negative

M ^r Bond	M ^r Dennis	M ^r Gordon
Abell	Thomas	T. Wilkinson
Barnes	Ennalls	Hopper
J. Gresham	George	Henry
R. Gresham	Colvill	Purnell
Stoughton	Pearce	Selby
King	Sherredine	Outten
D. Willson	Buchanan	

And ordered that the Committee of Laws prepare an Answer accordingly.

The House adjourns to 2 of the Clock

L. H. J.
Liber No. 46

Post Meridiem

The House met according to Adjournment.

Col. King delivers M^r Speaker the following Report, viz.

At a Committee appointed by the Honourable the Lower House of Assembly, to enquire what Commodities, besides Tobacco it will be convenient to tax, and how much, towards raising a Sum to be paid his Lordship in lieu of his Quit Rents;

Were Present

Col. Robert King,	M ^r Philip Hammond	Col. Thomas Colvill
M ^r Joshua George	M ^r Walter Smith	D ^r Charles Carroll

Your Committee conceive that the following Merchandize and Commodities will bear the several Duties or Imposts to them respectively annexed, that of a particular Duty on Wheat and Corn excepted, not being agreed to by your Committee, they being equally divided therein.

Exports

Pipe Staves	5 ^s	Sterling per Thousand
Hogshead Staves	2/6	per Thousand
Barrel Staves	1/6	per Thousand
Barrel Pork, in general	1 ^s	per Barrel
Pigg Iron	1 ^s	per Ton
Bar Iron	2 ^s	per Ton
Iron Ore	6 ^d	per Ton
Flour	6 ^d	per Barrel
Wheat		per Bushel
Corn		per Bushel
Shingles	6 ^d	per Thousand

Imports

Negroes 20^s Sterling per Head, additional Duty.
 White Servants in general 5^s per Head
 Rum and Spirits, 5^s per Hundred Gallons, in all Bottoms and by whatever ways and means brought in, with the usual Discount allowed.
 Every Pipe of Wine. 5^s, and so in Proportion of a smaller Cask, with the usual Discount allowed.

All which is humbly submitted to the Consideration of your honourable House. Signed per Order V. Denton, Clerk.

p. 516 On Reading of which, a Question was put, Whether a Duty shall be laid on Wheat and Flour exported? Resolved in the Negative.

For the Negative

L. H. J.
Liber No. 46

M ^r Abell	M ^r Dennis	M ^r Gordon
Barnes	Hooper	Pemberton
G. Willson	Ennalls	T. Wilkinson
I. Gresham	George	T. Hammond
R. Gresham	Colvill	Hopper
Harris	Pearce	Henry
Stoughton	Hyland	Purnell
King	John Hall	Selby
D. Willson	Buchanan	Outten

For the Affirmative

M ^r Bond	M ^r Brome	M ^r Sherredine
Carroll	Mackall	Paca
P. Hammond	Courts	Wootton
Worthington	W. Wilkinson	Sprigg
Hen. Hall	N. Goldsborough	Addison
Smith	Lloyd	Bordley
Jos. Hall	Thomas	

A further Question was put, Whether the Duty to be laid on Negroes, be Twenty Shillings, or Fifteen Shillings Sterling? Resolved that it be Twenty Shillings.

For the Twenty Shillings

M ^r Bond,	M ^r Stoughton	M ^r Buchanan
Abell,	King	Wootton
Barnes	D. Willson	Addison
G. Wilson	N. Goldsborough	Gordon
Harris	Lloyd	Bordley
Carroll	Hooper	Pemberton
P. Hammond	Ennalls	T. Wilkinson
Worthington	George	T. Hammond
Smith	Colvill	Hopper
Jos. Hall	Pearce	Henry
Brome	Hyland	Purnell
Mackall	Sherredine	Selby
Courts	Paca	Outten
W. Wilkinson	John Hall	

For the Fifteen Shillings

M ^r I. Gresham	M ^r Hen. Hall	M ^r Dennis
R. Gresham	Thomas	Sprigg

Questions were then severally put, Whether a Duty shall be laid on Barrel'l Pork, Pig Iron, Bar Iron, Iron Ore and Corn? Resolved in the Negative.

L. H. J. It being agreed to make several Amendments to the Report, it
 Liber No. 46 was committed accordingly.

The House adjourns til To-morrow Morning 9 of the Clock.

September
 14

Saturday Morning, September 14. 1745

The House met according to Adjournment, and the Proceedings of Yesterday were read.

Col. King delivers M^r Speaker the following Report as amended in the Committee.

At a Committee appointed by the Honourable the Lower House of Assembly to enquire what Commodities, besides Tobacco, it will be convenient to tax, and how much, towards raising a Sum to be paid his Lordship in lieu of his Quit Rents ;

Were Present

Col. Robert King	M ^r Philip Hammond	Col. Thomas Colvill
M ^r Joshua George	M ^r Walter Smith	D ^r Charles Carroll

Your Committee conceive that the following Merchandize and Commodities will bear the several Duties or Imposts to them respectively annexed, viz.

Exports

Pipe Staves	5 ^s	Sterling	per Thousand
Hogshead Staves	2 ^s 6 ^d		per Thousand
Barrel Staves	1 ^s 6 ^d		per Thousand
Shingles	6 ^d		per Thousand

Imports

Negroes	20 ^s Sterling per Head additional Duty.
White Servants in general	5 ^s per Head
Rum and Spirits, 5 ^s per Hundred Gallons, in all Bottoms, and by whatever Ways or Means brought in, with the usual Discount allowed.	

Every Pipe of Wine, 5^s and so in Proportion for a smaller Cask with the usual Discount allowed

All which is humbly submitted to the Consideration of your Honourable House

Signed per Order V. Denton, Clerk

p. 517 Which being read, the House concurs therewith.

A Bill for settlement of Lands therein mentioned, on Francis Waring, and the Heirs of this Body lawfully begotten, was read the first Time, and ordered to lie on the Table.

M^r Harris from the Committee of Laws, brings in a Bill entitled, An Act for the better regulating the Election of Delegates to serve in Assembly ; which was read the first Time, and ordered to lie on the Table

The following Message. (See page 37)
Was sent to the Upper House by Col. Henry and Mr Thomas
Wilkinson.

L. H. J.
Liber No. 46

The House adjourns to 2 of the Clock

Post Meridiem

The House met according to Adjournment.

Mr George from the Committee of Laws, brings in the Bill entitled, An Act for laying an Imposition on Tobacco, for the Discharge of his Lordship's Quit Rents and Support of Government, altered in the Title as followeth, viz. An Act for laying an Imposition on Tobacco, and other Commodities therein mentioned, for the Discharge of his Lordship's Quit Rents, and Support of Government; with several Amendments: And a Motion being made for Reading the said Bill, a Question was put, Whether the Reading proposed shall be deemed a First or Second Reading? Resolved, that it be deemed a second Reading.

For the Second Reading

Mr Bond	Mr D. Wilson	Mr Hyland
Abell	Dennis	Gordon
Barnes	Thomas	T. Wilkinson
G. Wilson	Hooper	T. Hammond
I. Gresham	Ennalls	Hopper
R. Gresham	Lecompte	Henry
Harris	George	Purnell
Stoughton	Colvill	Selby
King	Pearce	Outten

For the First Reading

Mr Carroll	Mr Jos. Hall	Mr Lloyd
P. Hammond	Brome	John Hall
Worthington	Courts	Wootton
Hen. Hall	W. Wilkinson	Sprigg
Smith	N. Goldsborough	Bordley.

On Motion of a Member that the following Words, viz: That
one Thousand Pounds Sterling, Part of the said Twelve Pence
Sterling per Hogshead, shall be paid to his Lordship's Governor
actually residing within this Province; the Residue or Remainder
thereof to be paid to the Treasurers of the respective Shores, and
applied towards defraying the publick Charge of the said Province,
as the General Assembly shall from Time to Time direct, during
the Continuance of this Act, be inserted as an Amendment to the said
Bill: A Question was put, Whether the said Words should be in-
serted, or not? Resolved in the Negative.

p. 518

L. H. J.
Liber No. 46

For the Negative.

Mr Abell	Mr Dennis	Mr Pemberton
Barnes	Thomas	T. Wilkinson
G. Wilson	Hooper	T. Hammond
I. Gresham	Ennalls	Hopper
R. Gresham	Lecompte	Henry
Harris	George	Purnell
Stoughton	Colvill	Selby
King	Hyland	Outten
D. Wilson	Gordon	

For the Affirmative

Mr Bond	Mr Jos. Hall	Mr Pearce
Carroll	Brome	John Hall
P. Hammond	Courts	Buchanan
Worthington	W. Wilkinson	Wootton
Hen. Hall	N. Goldsborough	Sprigg
Smith	Lloyd	Bordley.

On Motion of a Member, that 3^d Part of the 12^d per Hogshead, for Support of Government, be applied to the Purchasing Arms and Ammunition for Defence of the Province, A Question was put, Whether the said 3^d shall be applied that Way? Resolved in the Negative.

For the Negative

Mr Abell	Mr Dennis	Mr Pemberton
Barnes	Hooper	T. Wilkinson
G. Wilson	Ennalls	T. Hammond
I. Gresham	Lecompte	Hopper
R. Gresham	George	Henry
Harris	Colvill	Purnell
Stoughton	Pearce	Selby
King	Hyland	Outten
D. Wilson	Gordon	

For the Affirmative

Mr Bond	Mr Jos. Hall	Mr Thomas
Carroll	Brome	John Hall
P. Hammond	Courts	Buchanan
Worthington	W. Wilkinson	Wootton
Hen. Hall	N. Goldsborough	Sprigg
Smith	Lloyd	Bordley

Mr Speaker putting the Question, Whether the Bill shall pass? It was Resolved in the Affirmative.

For the Affirmative

L. H. J.
Liber No. 46

M ^r Bond	M ^r Dennis	M ^r Pemberton
Abell	Thomas	T. Wilkinson
Barnes	Hooper	T. Hammond
G. Willson	Ennalls	Hopper
I. Gresham	Lecompte	Henry
R. Gresham	George	Purnell
Harris	Colvill	Selby
Stoughton	Pearce	Outten
King	Hyland	
D. Wilson	Gordon	

For the Negative

M ^r Carroll	M ^r Brome	M ^r Buchanan
P. Hammond	Courts	Wootton
Worthington	W. Wilkinson	Sprigg
Hen. Hall	N. Goldsborough	Bordley
Smith	Lloyd	
Jos. Hall	John Hall	

The Bill being passed, it was sent to the Upper House by Capt. Gordon and M^r Hyland.

The House adjourns 'til Monday Morning 9 of the Clock

Monday Morning September 16. 1745

September
16
p. 519

The House met according to Adjournment All Members present as on Saturday, except M^r Philip Hammond and M^r Mackall.

The Proceedings of Saturday were read.

Benjamin Young Esq^r from the Upper House delivers M^r Speaker the Bill intituled An Act for laying an Imposition on Tobacco, and other Commodities therein mentioned, for the Discharge of his Lordship's Quit Rents, and Support of Government, Indorsed, (See page 38)

The House adjourns to 2 of the Clock

Post Meridiem

The House met according to Adjournment

The Bill intituled, An Act for laying an Imposition on Tobacco &^a being read, A Question was put, Whether the said Bill shall pass for Ingrossing or not? Resolved in the Affirmative.

L. H. J.
Liber No. 46

For the Affirmative

M ^r Bond	M ^r Dennis	M ^r Pemberton
Abell	Thomas	T. Wilkinson
Barnes	Hooper	T. Hammond
G. Wilson	Ennalls	Hopper
I. Gresham	Lecompte	Henry
R. Gresham	George	Purnell
Harris	Colvill	Selby
Stoughton	Pearce	Outten
King	Hyland	
Dav. Wilson	Gordon	

For the Negative

M ^r Carroll	M ^r W. Wilkinson	M ^r Buchanan
Worthington	N. Goldsborough	Wootton
Hen. Hall	Lloyd	Sprigg
Smith	Sherredine	Addison
Jos. Hall	Paca	Bordley
Brome	John Hall	

Samuel Chamberlaine Esq^r from the Upper House, delivers M^r Speaker a Petition of Samuel Thomas and Stephen Glanville, of Kent County, praying that a Bill may be brought in, to supply the Loss of the Original Will of Henry Staples, late of the same County, deceased, Indorsed, (See page 38)

Which Petition was here read, and Ordered, that M^r George Wilson, M^r Richard Gresham, and M^r Harris, be a Committee to enquire into the Truth of the Facts therein set forth.

The House adjourns 'til To-morrow Morning 9 of the Clock.

September
17

Tuesday morning, September 17. 1745

The House met according to Adjournment, and the Proceedings of Yesterdav were read.

M^r John Goldsborough appears in the House.

The Bill entituled, An Act for settlement of Lands therein mentioned, on Francis Waring, and the Heirs of his Body lawfully begotten, was read the second Time passed, and sent to the Upper House by M^r Wootton, and M^r Addison.

Resolved, That the Bill entituled, An Act for the better regulating the Election of Delegates to serve in Assembly, be referred for a second Reading to the 15th Day of October.

M^r Philip Hammond, M^r Smallwood, and M^r Mackall appear in the House.

Edmund Jennings Esq^r from the Upper House, delivers M^r L. H. J.
Speaker a Bill entituled, An Act to restrain non-Residents from Liber No. 46
hunting within this Province, and to prevent the Mischief occasioned by setting the Woods on Fire, Indorsed, (See page 39)

Which Bill was read here the first Time, and ordered to lie on the Table.

The House adjourns 'til 2 of the Clock.

Post Meridiem

The House met according to Adjournment.

A motion being made for reading an Ingrossed Bill entituled, An Act for laying an Imposition on Tobacco and other Commodities therein mentioned, for the Discharge of his Lordship's Quit Rents, and Support of Government; A Question was put, Whether the said Bill shall be now read? Resolved in the Negative.

For the Negative

p. 520

M ^r Bond	M ^r Brome	M ^r Sherredine
G. Willson	Mackall	Paca
Harris	Courts	John Hall
Carroll	Smallwood	Buchanan
P. Hammond	W. Wilkinson	Wootton
Worthington	N. Goldsborough	Sprigg
Hen. Hall	Lloyd	Addison
Smith	I. Goldsborough	Bordley
Jos. Hall	Hyland	

For the Affirmative

M ^r Abell	M ^r Thomas	M ^r Pemberton
Barnes	Hooper	T. Wilkinson
I. Gresham	Ennalls	T. Hammond
R. Gresham	Lecompte	Hopper
Stoughton	George	Henry
King	Colvill	Purnell
D. Wilson	Pearce	Selby
Dennis	Gordon	Outten

The following Question was put, viz. Whether this House will agree to nine Pounds of Tobacco per side, for Copying and Recording in the Secretary's, Commissary's and Land Offices, and in the Chancery Court, and Court of Appeals? Resolved, in the Affirmative.

L. H. J.
Liber No. 46

For the Affirmative		
M ^r Bond	M ^r Lloyd	M ^r Buchanan
Abell	Thomas	Gordon
Barnes	I. Goldsborough	Pemberton
G. Wilson	Hooper	T. Wilkinson
J. Gresham	Ennalls	T. Hammond
R. Gresham	George	Hopper
Brome	Colvill	Henry
Courts	Pearce	Purnell
W. Wilkinson	Hyland	Selby
King	Sherredine	Outten
D. Wilson	Paca	
Dennis	John Hall	

For the Negative		
M ^r Harris	M ^r Smith	M ^r Wootton
Carroll	Jos. Hall	Sprigg
P. Hammond	Smallwood	Addison
Worthington	N. Goldsborough	Bordley
Hen. Hall	Lecompte	

The House adjourns 'til To-morrow Morning 9 of the Clock.

September
18

Wednesday Morning September 18th 1745

The House met according to Adjournment, and the Proceedings of Yesterday were read.

Col. King added to the Committee appointed to enquire, where the Division of Prince George's County may most conveniently run &^a

A Bill entituled, An Act for laying out one Acre of Land convenient to Rock Creek Landing on Potomack River, on the Land George Gordon now lives on, and for building a Rolling House thereon, was read the first Time, and Ordered to lie on the Table.

M^r George delivers M^r Speaker the following Report, viz. (See page 39)

p. 521 Which being read the House concurs therewith, And, Ordered, that the Committee of Laws prepare and bring in a Bill accordingly.

M^r George Wilson delivers M^r Speaker the following Report, viz. By the Committee appointed to enquire into the Truth of the Allegation set forth, in the Petition of Samuel Thomas, and Stephen Glanville, of Kent County

Your Committee have had produced to them a Copy of the last Will and Testament of Henry Staples deceased, bearing Date the 3^d Day of October 1686; which said Copy is signed and attested by

William Taylard then Register of the Commissary's office: That the said Henry did, by his aforesaid last Will and Testament, appoint his wife Anne full and sole Executrix thereof: That to the same is annexed Letters Testamentary, granted to the said Anne, under the Hands and Seals of Henry Darnall and Clement Hill Esquires, then Judges for Probat of Wills and granting Administrations, bearing date the 1st Day of March 1686.

L. H. J.
Liber No. 46

All which is humbly submitted to the Consideration of the House.

Signed per Order, Richard Dorsey Cl. Com.

September 16. 1745.

Which being read, the House concurs therewith, and the Petition therein mentioned is granted.

Col. Plater from the Upper House, delivers M^r Speaker the Bill entituled, An Act for the Trial of all Matters of Fact in the several Counties where they have arisen or shall arise, Indorsed, (See page 40)

And the following message, (See page 40)

The said Bill being read was passed for ingrossing.

The House adjourns to 2 of the Clock

Post Meridiem

The House met according to Adjournment

The House adjourns 'til To-morrow Morning 9 of the Clock

Thursday Morning, September 19. 1745

The House met according to Adjournment, and the Proceedings of Yesterday were read

September
19
p. 522

M^r Smith delivers M^r Speaker the following Report, viz.

By the Committee appointed for the dividing of Prince George's County.

Your Committee by due Inspection do find, that it will be convenient to the Inhabitants of Prince George's County, if only one Division be made, to have the Division of the said County begin at the mouth of Rock Creek, and from thence, running up the said Creek, to Kennedy Farrell's Bridge; and from thence by a streight Line to Peter Murphy's Ford; and all the Lands to the Northward and westward now within the Bounds of Prince Georges County, to be the County now to be erected. But if two Divisions be made, to have the first Division begin at the mouth of the Eastern Branch of Potomack River, and running to the Head thereof; then by the Lines of Prince George's and Queen Anne's Parishes to Patuxent River, then up Patuxent River to John Parr's Spring, commonly called the uppermost Spring of Patuxent River, then with a streight

L. H. J. Line to the mouth of Monockasy, then down Potomack River to the
 Liber No. 46 mouth of the Eastern Branch, to be one of the Counties now to be
 erected: And that all the Lands to the northward and Westward
 to be the other County.

All which is humbly submitted to the Consideration of the House
 Signed per Order. E. Dorsey Cl. Com.

Which being read, a Question was put, whether there shall be
 two Divisions, or only one Division, of the said County? Resolved,
 that there shall be but one Division.

For one Division

Mr G. Wilson	Mr Lloyd	Mr Hyland
I. Gresham	Thomas	Gordon
R. Gresham	I. Goldsborough	Pemberton
Harris	Hooper	T. Hammond
Stoughton	Ennalls,	Hopper
King	Lecompte	Henry
D. Wilson	George	Purnell
Dennis	Colvill	Selby
N. Goldsborough	Pearce	Outten

[For two Divisions]

Mr Bond	Mr Jos. Hall	Mr John Hall
Abell	Brome	Buchanan
Barnes	Mackall	Wootton
Carroll	Courts	Sprigg
P. Hammond	Smallwood	Addison
Worthington	W. Wilkinson	Bordley
Hen. Hall	Sherredine	T. Wilkinson
Smith	Paca	

Mr Smith delivers Mr Speaker the following Report, viz.

By the Committee appointed to enquire where the Bounds of a
 new County, to be erected out of the upper Parts of Dorchester and
 Queen Anne's Counties, may most conveniently run.

Your Committee, by due Inspection do find, that it will be con-
 venient to the Inhabitants of Dorchester and Queen Ann's Counties,
 to have the County to be erected begin at the mouth of Tuckahoe
 Creek, and up and with the said Creek to the new Causeway, and
 from said Causeway with the new Road to Dover Road, and with
 Dover Road to the main Branch of Choptank River, and with said
 Branch to Kent County on Delaware, and with the Line of Kent
 and Sussex to the North East Branch of Nanticoke River, and down
 and with the said Branch and River to the mouth of a small Creek
 on which Maj. James Billings's Mill stands, formerly known by the

name of Col. Rider's Mill, and with the said Creek to the Head thereof, and from thence with a streight Line to the Head of Kakias Creek, and down and with the said Creek into Choptank River, and down the said River to the mouth of Tuckahoe Creek and all the Lands included therein to be erected into a new County. L. H. J.
Liber No. 46

All which is humbly submitted to the Consideration of the House.

Signed per Order. E. Dorsey Cl. Com.

The House adjourns to 2 of the Clock

Post Meridiem

The House met according to Adjournment.

M^r Harris delivers M^r Speaker a Bill entituled An Act to enable the Commissary General to enter and record, amongst the Records of his Office, the last Will and Testament of Henry Staples deceased, for the Purposes therein mentioned; which was read the first and second Time by especial Order, passed, and sent to the Upper House by M^r Harris and M^r Barnes.

William Stoughton Esq^r delivers M^r Speaker a Bill entituled An Act for Limitation of Officer's Fees, which was read the first Time, and Ordered to lie on the Table. p. 523

Col. Hammond from the Upper House, delivers M^r Speaker a Petition of Joseph Gwin, praying an allowance may be made him for his negro man Martin, who was committed for a Felony, and died in Goal, before Tryal.

Which Petition the House taking into Consideration Resolved, that the Petitioner have an Allowance of £60 in the Journal of Accounts

Daniel Dulany Esq^r from the Upper House, delivers M^r Speaker the Bill entituled, An Act for Settlements of Lands therein mentioned, on Francis Waring, and the Heirs of his Body lawfully begotten, Indorsed (See page 41)

Which Bill was here read, and passed for ingrossing.

James Hollyday Esq^r from the Upper House, delivers M^r Speaker a Petition of John Boyd of Prince George's County, praying that an Act may pass, to enable the Clerk of the said County Court to record a Deed from John Nevill, William Collier, and Thomas Bond, to the Petitioner, for Part of a Tract of Land called Turkey Thicket, Indorsed, (See page 41)

Which Petition was here read and granted.

William Stoughton Esq^{re} delivers M^r Speaker an Ingrossed Bill entituled, An Act for the Trial of all Matters of Fact in the several Counties where they have arisen or shal arise.

The House adjourns 'til To-morrow Morning 9 of the Clock.

L. H. J.
Liber No. 46
September
20

Friday Morning, September 20. 1745

The House met according to Adjournment. All members present as Yesterday except Maj. Sherredine and M^r Joseph Hall.

The Proceedings of Yesterday were read.

Edmund Jennings Esq^{re} from the Upper House, delivers M^r Speaker the Bill entituled, An Act to enable the Commissary General to enter and record, amongst the Records of his Office, the last Will and Testament of Henry Staples deceased, for the Purposes therein mentioned, (See page 42)

Which Bill was here read, and passed for Ingrossing.

Daniel Dulany Esq^r from the Upper House, delivers M^r Speaker a Bill entituled, An Act to prevent Frauds and to secure the Estates of Purchasers; and a Bill entituled, An Act to remedy some Inconveniences in the present Practice relating to Attachments: Which Bills were thus Indorsed (See page 42)

The House adjourns 'til 2 of the Clock.

Post Meridiem

The House met according to Adjournment.

The Bill entituled, An Act for Limitation of Officers Fees, was read the second Time, passed, and sent to the Upper House by M^r Courts, and M^r Pearce.

An ingrossed Bill entituled, An Act for the Trial of all Matters of Fact in the several Counties where they have arisen or shall arise, was read and assented to, and sent to the Upper House, with the Paper Bill, by M^r Hyland and Capt. Hopper.

On reading an Ingrossed Bill entituled, An Act for laying an Imposition on Tobacco, and other Commodities therein mentioned, for the Discharge of his Lordship's Quit Rents, and Support of Government, the Question being put, whether the House will assent thereto? It was Resolved in the Affirmative.

For the Affirmative

M ^r Bond	M ^r D. Wilson	M ^r Hyland
Abell	Dennis	Gordon
Barnes	Thomas	Pemberton
G. Wilson	I. Goldsborough	T. Wilkinson
I. Gresham	Hooper	T. Hammond
R. Gresham	Ennalls	Hopper
Harris	Lecompte	Henry
Courts	George	Purnell
Stoughton	Colvill	Selby
King	Pearce	Outten

For the Negative

L. H. J.
Liber No. 46

M ^r Carroll	M ^r Mackall	M ^r John Hall
P. Hammond	Smallwood	Buchanan
Worthington	W. Wilkinson	Wootton
Hen. Hall	N. Goldsborough	Sprigg
Smith	Lloyd	Addison
Brome	Paca	Bordley

The aforesaid Ingrossed Bill was sent to the Upper House, with p. 524 the Paper Bill, by M^r Pemberton and M^r Bond.

M^r Speaker communicates to the House the following Message from the Governor, viz.

Gentlemen of the Lower House of Assembly,

As we are now in a fair way of Proceeding, for the Ease, Quiet and Happiness of the whole Province, I hope you will not forget that a Fund is wanting, and necessary to be provided, for Arms and Ammunition. This I most earnestly recommend to your Consideration, as it is a matter which so nearly concerns the Safety of us all, at a Time when we have repeated Advices and Alarms of Invasions and hostile Attempts on our Northern Neighbours, which may very possibly in some Shape or another reach ourselves.

T. Bladen

Which being read, Ordered that an Address be prepared in Answer thereto.

An Address to his Excellency being prepared, was read, approved of, and ordered to be ingrossed.

M^r Wootton delivers M^r Speaker a Bill entituled, An Act to direct and impower the Clerk of Prince George's County, to enter and record amongst the Records of the said County, a Deed of Bargain and Sale from John Nevil, William Collier, and Thomas Bond to John Boyd for a Tract of Land therein mentioned: Which Bill was read the first and second Time by especial Order, and will pass.

The following Ingrossed Address, viz.

To his Excellency Thomas Bladen Esq^r Governor of Maryland.

The humble Address of the House of Delegates of the said Province.

May it please your Excellency,

It is with Pleasure we find our Selves in such a fair way of Proceeding, as to give us Hopes of obtaining the Quiet of the good People of this Province. But as this Session has continued much longer than usual, we cannot agree to enter upon any Consideration touching raising a Fund for Arms and Ammunition; and must therefore recommend, that your Excellency and the Council may apply the sum already raised for that Purpose in making such Provision

L. H. J. of Arms and Ammunition, as may be thought necessary for the
Liber No. 46 Safety of this Province.

Being read and assented to, was Ordered, on Behalf of the House,
to be signed by the honourable Speaker.

A Bill entituled, An Act to remedy some Inconveniencies in the
present Practice relating to Attachments; and a Bill entituled, An
Act to prevent Frauds, and to secure the Estates of Purchasers;
were read the first Time, and ordered to lie on the Table.

The House adjourns til To morrow Morning 9 of the Clock

September
21

Saturday Morning, September 21. 1745

The House met according to Adjournment, and the Proceedings
of Yesterday were read.

M^r Joseph Hall and Maj. Sherredine appear in the House

An ingrossed Bill entituled, An Act to enable the Commissary
General to enter and record, amongst the Records of his Office, the
last will and Testament of Henry Staples, deceased for the Purposes
therein mentioned; and

An ingrossed Bill entituled, An Act for Settlement of Lands
therein mentioned, on Francis Waring, and the Heirs of his Body
lawfully begotten; were read and assented to, and sent to the Upper
House, with the Paper Bills, by M^r Joseph Hall, and M^r Bond.

The Bill entituled, An Act to direct and impower the Clerk of
Prince George's County to enter and record amongst the Records
of the said County, a Deed of Bargain and Sale from John Nevil,
William Collier, and Thomas Bond, to John Boyd, of a Tract of
Land therein mentioned was sent to the Upper House by M^r Addison
and M^r Harris.

Capt. Gordon and M^r Thomas Hammond ordered to acquaint
his Excellency, that this House hath prepared an Address to him,
and desires to know when and where he will be pleased to receive it:
They return and acquaint M^r Speaker, his Excellency will receive
it immediately in the Conference Chamber.

p. 525 M^r Purnell and M^r Dennis sent to present the Address: They
return and acquaint M^r Speaker they have presented it.

The Bill entituled An Act to restrain non Residents from hunting
within this Province, and to prevent the Mischief occasioned by
setting the woods on fire, read the second Time, and will not pass.

The Report from the Committee appointed to enquire where the
Bounds of a new County, to be erected out of the upper Parts of
Dorchester and Queen Ann's Counties, may most conveniently run,
being read, the House concurs therewith.

The House adjourns 'til Monday Morning 9 of the Clock

Monday Morning, September 23. 1745

L. H. J.
Liber No. 46
September
23

The House met according to Adjournment, and the Proceedings of Saturday were read.

The Bill entituled, An Act to restrain Non-Residents from hunting within this Province, and to prevent the Mischief occasioned by setting the woods on Fire, Indorsed (See page 44)

Was sent to the Upper House by Col. Hooper and M^r Barnes.

The House adjourns to 2 of the Clock

Post Meridiem

The House met according to Adjournment.

On Motion of the Chairman of the Committee of Accounts, A Question was put, Whether his Lordship's Council, as a Council of State, shall have any Allowance made them in the Journal of Accounts? Resolved in the Affirmative.

For the Affirmative

M ^r Abell	M ^r Ennalls	M ^r Gordon
Barnes	Lecompte	Pemberton
I. Gresham	George	T. Wilkinson
R. Gresham	Colvill	T. Hammond
Hen. Hall	Pearce	Hopper
Stoughton	Hyland	Henry
King	John Hall	Purnell
D. Wilson	Buchanan	Selby
Dennis	Spriggs	Outten

For the Negative

M ^r Bond	M ^r Brome	M ^r Hooper
G. Wilson	Mackall	Sherredine
Harris	Smallwood	Paca
Carroll	W. Wilkinson	Wootton
P. Hammond	N. Goldsborough	Addison
Worthington	Lloyd	Bordley.
Smith	Thomas	
Jos. Hall	I. Goldsborough	

M^r Goldsborough from the Committee of Aggrievances and Courts of Justice, delivers M^r Speaker the following Reports, viz.

By the Committee of Aggrievances and Courts of Justice

Your Committee take leave to inform your honourable House, that they have inspected the Forms of the Commissions to the Provincial and County Courts of this Province, and do find the said Commissions to be made out according to Law; and that the Form

L. H. J. of the Oath of Judge or Justice that is now taken by the several
 Liber No. 46 Magistrates of the said Courts, is agreeable to the Act of Assembly
 in that Case made and provided.

Your Committee further report to your honourable House, that your Committee are informed, that the several Judges in the Court of Appeals, before they sit in Judgment in that Court, do take the Oath of Judge or Justice appointed by Law.

We find the Proceedings of the Provincial Court are recorded to September Term 1744, and that all Deeds are entered to this Instant September. The Acts of last Session are likewise recorded, and the whole Office in good order

In the Commissary's Office the Wills are recorded to the ninth of July last: We find the Commission to Daniel Dulany Esq. Commissary General in 1742, and that the said Commissary did take the several Oaths to the Government, and the Oath of office, before Levin Gale Esq^r but don't know the nature of the Oath, as the same did not appear to us. We find the Accounts entered in the said office to the 30th of March last, and Inventories to 3^d of September 1744; and the Office in good order.

Your Committee likewise inspected the Land Office, and find a Commission to Philip Thomas Esq to be Judge And Register of the
 p. 526 Land Office, and certified on the Back of the said Commission, that the said Thomas was qualified, by taking the several Oaths to the Government, and Oath of Office; but as to the Form of the Oath of office we know not.

The Conditions of Plantations are the same as mentioned in the former Report of a Committee of the House of Delegates; and the whole Business of the last year entered up to the 25th of December 1744, and the Office in good Order

Your Committee have likewise inspected the Mayor's Court Office of the City of Annapolis and find the said Office in very confused order, Papers of different Sorts promiscuously in a Tub, and trod under foot; and the Judgment of the Commissioners appointed by Act of Assembly entituled, An Act for settling all Disputes concerning the Boundaries of the several Lots within the City of Annapolis, and confirming the same to the respective Takers up, Improvers, and Purchasers thereof, and for laying out Ten Acres of Land out of the Town Pasture into Twenty Lots more, to be added to the said City, in loose Sheets of Paper, very liable to be lost or mislaid; whereas the said Act directs the Recording of the same in the Records of the Mayor's Court; And in as much as the Property of the People residing in, or owning any Lots or Parcels of Land within the said City, depends in great Measures on the Judgment aforesaid, we conceive the Mayor, Recorder, and Aldermen, should be directed to order the said office to be kept in better Order; and that the said

Judgment be recorded in a good Record Book in the Office aforesaid, L. H. J.
Liber No. 46
and properly examined.

All which is submitted to the Consideration of your honourable House.
Signed per Order E. Dorsey, Cl. Com.

By the Committee of Aggrievances and Courts of Justice

Your Committee humbly take leave to inform your House, that some Time in the Summer last past, David Peterkin of Dorchester County, and sundry others in the same County, were complained against by Charles Beckwith, an Overseer of a Highway there, that they had omitted to labour on the Highway, to Capt. Basil Noel, of said County, a Magistrate, and obtained a Warrant on each supposed Omission or Offence; on which Warrants, some particular Persons being thereby at one Time brought before the said Basil Noel, who contrary to all Right, disregarding the Rules and Methods of Procedure ever heretofore used and practiced, refused to hear any Reasons or Excuses of Sickness, want of due notice, or other Reasons whatsoever, or even the Evidence of an Oath, for Conviction of them, or any of them, gave Judgment, as he declared, against them for Payment of One Hundred Pounds of Tobacco on each Warrant, and the Costs of Two Shillings and six pence, which Fee to the Constable your Committee conceive is not warranted by Law.

Your Committee further observe, that Capt. Basil Noel aforesaid hath been heard before them, and hath confessed the Facts so far as related to his own Procedure, and saith he apprehended it right, he being Iudge, but saith further, that if unjust, it was not through any unjust Design, but for want of Knowledge, and that he doubted not but he could justify himself.

All which manner of Procedure, whether occasioned by Ignorance, Corruption, or whatever other Cause, your Committee resolve to be illegal, unjust, and oppressive; and tends to beget in the good People of this Province, his Majestie's liege Subjects, an ill opinion of his Lordship's good Rule and Government.

But humbly submit the whole to the Consideration of your honourable House
Signed per Order E. Dorsey Cl. Com.

Which Reports being read, the Consideration of them is referred to the next Session of Assembly.

Mr Speaker communicates to the House the following Message from the Governor, viz

Gentlemen of the Lower House of Assembly

I can truly assure you, that any Prospect of Happiness and Quiet to the People of this Province gives me no less Satisfaction than your selves, and I have done, and shall continue to do everything in my Power to convince you and your Constituents of my sincere Disposition to such desirable Ends: It was therefore that I deferred p. 527

L. H. J. 'til now the recommending a Provision for Arms and Ammunition, Liber No. 46 that Matters which most nearly concerned the Ease and Convenience of the People, and lay nearest their Wishes, might take the first Place, and find no Interruption, at least from me in their Progress. But you will give me leave to say, I think it by no means convincing, that the Provision for so necessary a Fund should be put off, because of the unusual Length of Time already spent this Session: The Safety of the Country demands such a Provision, and every Argument that recommends a proper Regard for the Ease and Convenience of the People, may with, at least as much Force and Justice, be urged for a due Care for their Security and Defence; and surely the Time, which need be very little, cannot be better spent than to so good a Purpose. There are now several Bills prepared greatly advantageous to the Country, and agreeable to their most earnest Desires: Is it natural to believe your Constituents would in the same Session in which they obtain so much, make so strange a Return, as to refuse this Fund, which cannot be made use of but for their Honour and Security? And would not my Fate seem very particular, that at a Time when I am going to pass the most favourite Laws with the People. I should be denied a Bill that has been given in every Governor's Time for these forty years?

What you mention with regard to the Sum already raised, I suppose must proceed from your being unacquainted with what money remains on that Fund, which is by no means proportioned, or sufficient for the Purchase of Arms and Ammunition; therefore I desire you will once more take this Affair into your Consideration, and make such a Provision as will be suitable, to the Defence and Safety of the Province, and other Exigencies which may happen in this Time of an open and declared war.

T. Bladen

Which being read, and a Motion being made to refer the Consideration thereof to the first Day of November next, The Question was put, whether the Consideration thereof be referred to that Day, or not? Resolved in the Affirmative.

For the Affirmative

Mr Bond	Mr Courts	Mr Paca
Abell	Smallwood	John Hall
Harris	W. Wilkinson	Buchanan
Carroll	N. Goldsborough	Wootton
P. Hammond	Lloyd	Sprigg
Worthington	I. Goldsborough	Addison
Hen. Hall	Hooper	Bordley
Smith	Lecompte	Pemberton
Jos. Hall	Pearce	T. Hammond
Brome	Hyland	Purnell.
Mackall	Sherredine	

For the Negative

L. H. J.
Liber No. 46

M ^r Barnes	M ^r D. Wilson	M ^r Gordon
G. Wilson	Dennis	T. Wilkinson
I. Gresham	Thomas	Hopper
R. Gresham	Ennalls	Henry
Stoughton	George	Selby
King	Colvill	Outten

Ordered, That the Journal of Accounts be closed to Wednesday next

The House adjourns til To-morrow Morning 9 of the Clock.

Tuesday Morning, September 24. 1745

September
24

The House met according to Adjournment, and the Proceedings of Yesterday were read,

The Bill entituled, An Act for ascertaining the Allowance of Petit Jurors attending the Provincial Court, and to limit Costs with respect to Evidences, was read the first and second Time by especial Order, passed, and sent to the Upper House by M^r George Wilson, and M^r Mackall

A Bill entituled, An Act to divide Prince George's County, and to erect a new one by the name of Frederick County, was read the first and second Time by especial Order, passed, and sent to the Upper House by M^r Wootton and Capt. Ennalls.

A Bill entituled, An Act to divide Dorchester and Queen Ann's Counties, and to erect a new County out of the upper Parts thereof, by the name of Prince William County, was read the first and second Time by especial Order, passed, and sent to the Upper House by M^r Pemberton and Capt. Hopper.

Col. Lloyd from the Upper House, delivers M^r Speaker the Bill entituled, An Act to direct and impower the Clerk of Prince George's County, to enter and record among the Records of the said County, a Deed of Bargain and Sale from John Nevil &^a Indorsed (See page 44) p. 528

Which Bill was here read, and passed for ingrossing.

The Bill entituled, An Act to remedy some Inconveniencies in the present Practice relating to Attachments; and the Bill entituled, An Act to prevent Frauds and to secure the Estates of Purchasers, were read the second Time, and thus Indorsed, viz. (See page 44)

And sent to the Upper House by M^r Richard Gresham, and Col. Henry.

The Bill entituled, An Act for laying out one acre of Land convenient to Rock Creek Landing on Potomack River &^a was read the

L. H. J. second Time, passed, and sent to the Upper House by M^r John Liber No. 46 Gresham, and M^r Bond.

The House adjourns to 2 of the Clock.

Post Meridiem

The House met according to Adjournment.

M^r Speaker communicates to the House the following Message from the Governor, viz.

Gentlemen of the Lower House of Assembly

In Answer to your Address on the Subject of Quit Rents, and your Desire that I would acquaint you what was my Lords yearly Income from them. I then told you, that a Disposition in you not to be less forward in what may concern the Honour of Government, and Defence of the Province, than his Lordship's Inclination for the well being of his Tenants, will be the most likely Method to obtain the great End of Ease and Happiness to the whole Province.

I made this Declaration as a Foundation for a mutual Engagement between every Branch of the Legislature, that if such Laws as were most acceptable to the People, and thought most convenient for their Ease, were to be obtained on one Side; such others likewise as should be judged necessary for the Honour and Security of this Province, should accompany and go hand in hand with them; by which means that Peace and Harmony between Government and People, which it is every good Subjects Interest and Duty to contribute to, might be procured and established. After this Declaration, your entering upon the Quit Rent Bill, Assize Law, and resuming the Officers Fee Bill, could be no other than accepting the Conditions proposed, viz. that all Matters should proceed with, and accompany each other: Therefore I am very much surprized, that now the three most desireable Laws are in such Forwardness, you should deny the single Bill the Government has to ask, and which is for the Defence of the Province. What I have to propose to you is, that a Bill be now prepared for a Provision for Arms, but not to take Effect or be in force, 'til the Revenue and other Bills take place: This, I am sure, shews my Sincerity and good wishes for a happy finishing of this Session, and an Accomplishment of all our professed wishes; and which, if denied, can have no other Interpretation, but that you are desirous those Bills which have taken up so much of our Time, should be lost; which must be the Case.

T. Bladen

Which being read, A Question was put, whether this House will now recede from the Resolve of Yesterday on the Subject of Arms and Ammunition? Resolved in the Negative.

For the Negative

L. H. J.
Liber No. 46

M ^r Bond	M ^r Courts	M ^r Paca
Abell	Smallwood	John Hall
Harris	W. Wilkinson	Buchanan
Carroll	N. Goldsborough	Wootton
P. Hammond	Lloyd,	Sprigg
Worthington	I. Goldsborough	Addison
Hen. Hall	Hooper	Bordley
Smith	Lecompte	Pemberton
Jos. Hall	Pearce	T. Hammond
Brome	Hyland	Purnell
Mackall	Sherredine	

For the Affirmative

M ^r Barnes	M ^r D. Wilson	M ^r Gordon
G. Wilson	Dennis	T. Wilkinson
I. Gresham	Thomas	Hopper
R. Gresham	Ennalls	Henry
Stoughton	George	Selby
King	Colvill	Outten

Philip Thomas Esq^r from the Upper House delivers M^r Speaker p. 329
the Bill entituled, An Act for Limitation of Officers Fees, Indorsed.
(See page 45)

The House adjourns 'til To-morrow Morning 9 of the Clock.

Wednesday Morning, September 25. 1745.

September
25

The House met according to Adjournment, and the Proceedings of Yesterday were read.

The Bill entituled, An Act for Limitation of Officers Fees, was read with the Amendments proposed by the Upper House, and passed for Ingrossing.

The House upon inspecting the Account of Philip Lee Esq. Navall Officer of North Potomack, for the Duty of 15^d per Hogshead by him collected, between the 29th of September 1743, and the 31st of March 1744, as rendered by his Executor M^r Thomas Lee, finding that the Probat thereon indorsed, is not in the usual Manner,

Ordered, that the Clerk write to the said Thomas Lee, to render the aforesaid Account at the next Session of Assembly, with a Probat made thereto in the usual Form.

The Chairman of the Committee of Accounts lays before the House, the Account of Charles Hammond Esq^r Treasurer of the Western Shore; and there being an Article of £6..5. charged in the said Account for Commission on £250 Sterling, received by the said

L. H. J. Treasurer from M^r Mathias Gale, acting Executor of Col. Levin
Liber No. 46 Gale. The Question was put, Whether the House doth approve of
that Article? Resolved in the Negative.

The House adjourns to 2 of the Clock

Post Meridiem

The House met according to Adjournment.

Col. King, from the Committee of Accounts, delivers M^r Speaker the Journal of Accounts, which was read and assented to, and sent to the Upper House by Col. King and four others.

Samuel Chamberlaine Esq^r from the Upper House delivers M^r Speaker the Bill entituled, An Act for issuing Writs of Replevin out of the County Courts of this Province. Indorsed, (See page 46)

Col. Hammond from the Upper House delivers M^r Speaker the Bill entituled, An Act for laying out one Acre of Land convenient to Rock Creek Landing on Potomack River &^a Indorsed, (See page 46)

Which Bill was here read, and passed for Ingrossing.

Col. Hollyday from the Upper House, delivers M^r Speaker the Bill entituled, An Act to divide Prince George's County &^a (See page 46)

And the Bill entituled, An Act to divide Dorchester and Queen Ann's Counties, and to erect a new County out of the upper Parts thereof &^a Indorsed, (See page 46)

p. 530 An ingrossed Bill entituled, An Act to direct and impower the Clerk of Prince Georges County, to enter and record among the Records of the said County a Deed of Bargain and Sale from John Nevil, William Collier, and Thomas Bond, to John Boyd, of a Tract of Land therein mentioned, was read, and assented to, and sent to the Upper House, with the Paper Bill, by M^r Wootton and M^r Lecompte.

The House adjourns 'til To morrow Morning 9 of the Clock.

September
26

Thursday Morning September 26th 1745

The House met according to Adjournment. All members present as Yesterday except M^r Philip Hammond.

The Proceedings of Yesterday were read.

M^r Selby and M^r Outten have leave of the House to go home

Col. Colvill from the Committee of both Houses appointed to inspect the Office and Proceedings of the Commissioners for emitting Bills of Credit established by Act of Assembly delivers M^r Speaker the following Report (See page 47)

Upon Consideration of the Amendments proposed by the Upper House to the Bill entitled, An Act to divide Prince George's County &^a and to the Bill entitled, An Act to divide Dorchester and Queen Ann's Counties, &^a Resolved, That this House will not agree to the said Amendments.

L. H. J.
Liber No. 46
p. 532

The following Message was prepared, (See page 47)

And sent to the Upper House with the said Bills by M^r Sprigg and Capt. Hopper

An ingrossed Bill entitled, An Act for Limitation of Officer's Fees, was read and assented to, and sent to the Upper House, with the Paper Bill, by Capt. Ennalls and M^r Paca.

Edmund Jennings Esq. from the Upper House, delivers M^r Speaker the Bill entitled, An Act to divide Prince George's County &^a with the following Message, (See page 51)

Which being read, the said Bills were accordingly amended, read, and passed for Ingrossing

[U. H. J.
says
Jennings
was sent
with this
bill]

Col. Plater from the Upper House, delivers M^r Speaker the Bill entitled, An Act for ascertaining the Allowance of Petit Jurors attending the Provincial Court &^a Indorsed (See page 5)

Which Bill was here read with the Amendments proposed, and passed for Ingrossing.

p. 533

The House adjourns to 2 of the Clock

Post Meridiem

The House met according to Adjournment

The House taking into Consideration the Report of August 6. from the Committee appointed to inspect the Office and Proceedings of the Commissioners for emitting Bills of Credit established by Act of Assembly.

Ordered, That D^r Carroll, Col Colvill, Col. Hooper, M^r Nicholas Goldsborough, and M^r Bordley, be a Committee to enquire wherefore the several Sheriffs have been deficient in the Payment of the money received by them in their respective Counties on Account of Ordinary Licenses, &^a

An ingrossed Bill entitled An Act for ascertaining the Allowance of Petit Jurors attending the Provincial Court, and to limit Costs with respect to Evidences, was read and assented to, and sent to the Upper House, with the Paper Bill, by Maj. Hall, and M^r Pearce.

An ingrossed Bill entitled, An Act for laying out One Acre of Land convenient to Rock Creek Landing on Potomack River, on the Land George Gordon now lives on, and for building a Rolling House thereon.

L. H. J.
Liber No. 46

An ingrossed Bill entituled An Act to divide Prince George's County, and to erect a new one by the name of Frederick County. And,

An ingrossed Bill entituled, An Act to divide Dorchester and Queen Ann's Counties, and to erect a new County out of the Upper Parts thereof, by the name of Prince William County.

Were severally read and assented to, and sent to the Upper House, with the Paper Bills, by Col Colvill, and M^r W. Wilkinson.

Col. Lloyd from the Upper House, delivers M^r Speaker the Bill entituled, An Act for the Gauge of Barrels for Pork, Beef, Pitch, Tar, and Tare of Barrels for Flour or Bread, Indorsed. (See page 51)

And the following Message, (See page 52)

D^r Carroll from the Committee of Laws delivers M^r Speaker the Bill entituled, An Act for the Relief of John Penny, a languishing Prisoner in St. Mary's County, John Speake a languishing Prisoner in Charles County, James Casteel, a languishing Prisoner in Calvert County, Basil Brashear, and Miles Coyle, languishing Prisoners in Prince George's County, Henry Bateman a languishing Prisoner in Anne Arundel County, Benjamin Hammond a languishing Prisoner in Baltimore County, John Mackentire a languishing Prisoner in Cecil County, John Pardo a languishing Prisoner in Kent County, Isaac Jones a languishing Prisoner in Queen Anne's County, Henry Lawrence a languishing Prisoner in Somerset County, Edward Rounds a languishing Prisoner in Worcester County, John Bradcock and John Frazier languishing Prisoners in Talbot County; which was read the first Time, and ordered to lie on the Table.

The House adjourns 'til To-morrow Morning 9 of the Clock

Friday Morning, September 27. 1745

The House met according to Adjournment

All members present as Yesterday except M^r Selby and M^r Outten.

The Proceedings of Yesterday were read.

The Bill entituled, An Act for the Gauge of Barrels for Pork, Beef &^a was read with the Amendments proposed by the Upper House, and passed for Ingrossing.

The Bill entituled An Act for the Relief of John Penny &^a was read the second Time, passed, and sent to the Upper House by Maj. Sherredine, and M^r Harris

p. 534 An ingrossed Bill entituled, An Act for the Gauge of Barrels for Pork, Beef, Pitch, Tar, Turpentine and Tare of Barrels for Flour

or Bread, was read, and assented to, and sent to the Upper House, with the Paper Bill, by Maj. Hall and Capt. Hopper.

L. H. J.
Liber No. 46

The House adjourns to 2 of the Clock

The House met according to Adjournment

The House proceeds to tax Charges on the following private Bills:

On the Bill entituled, An Act to impower and direct the Clerk of Anne Arundel County Court to enter and record among the said County Records, a Deed of Bargain and Sale from William Mitchel, Edward Mitchel and Grace his wife, to Mordecai Moore deceased;

To the Honourable Speaker	£2..0..0
To the Clerk	1..0..0

On the Bill entituled An Act to impower and direct the Clerk of Charles County to enter and record among the said County Records a Deed of Bargain and Sale from James Connell, and Anne his wife, to John Dunbar, of a Parcel of Land therein mentioned.

To the honourable Speaker	£1.. 0..0
To the Clerk	0..10..0

On the Bill entituled An Act for Settlement of Lands therein mentioned, on Francis Waring, and the Heirs of his Body lawfully begotten

To the honourable Speaker	£2..0..0
To the Clerk	1..0..0

On the Bill entituled, An Act to enable the Commissary General to enter and record amongst the Records of his Office, the last will and Testament of Henry Staples deceased, for the Purposes therein mentioned.

To the honourable Speaker	1.. 0..0
To the Clerk	0..10..0

On the Bill entituled, An Act to direct and impower the Clerk of Prince George's County to enter and record amongst the Records of the said County, a Deed of Bargain and Sale from John Nevill, William Collier, and Thomas Bond, to John Boyd; for a Tract of Land therein mentioned.

To the honourable Speaker	1.. 0..0
To the Clerk	0..10..0

M^r Smith from the Committee appointed to inspect the State and Condition, of the Arms and Ammunition, and Accounts relating thereto, delivers M^r Speaker the following Report, viz.

By the Committee appointed to inspect the Arms, Ammunition, and Accounts relating thereto, September 27. 1745

Your Committee having examined and inspected the several Treasurers Accounts, of the three Pence Sterling per Hogshead, do find the same as follows, viz.

D ^r		
L. H. J. Liber No. 46	The Publick Stock on the Western Shore of Maryland, on the Duty of three Pence Sterling per Hogshead on Tobacco exported, ending 1740, for purchasing Arms & ^a	
1744.	To Ballance due on last Account to Charles Hammond Treasurer passed by the Assembly in May 1744	£ s d 13..19.. 6
	To my Salary on £250 Sterling, transmitted to M ^r Hyde as per Contra, at Two and a Half per Cent	6.. 5.. 0
	Ballance due on this Account, when the Bills transmitted to M ^r Hyde are paid, as per Contra	229..15.. 6
		£250.. 0.. 0

Credit

1744.	By Bills of Exchange received from Capt. Mathias Gale, Executor of Col. Levin Gale, by the Order of the Governor and Council, transmitted to M ^r Samuel Hyde, Merchant in London, amounting in the whole to	250.. 0.. 0
-------	--	-------------

p. 535	D ^r The same Stock on the Eastern Shore, for the same Duty on Tobacco exported Anno 1744, for purchasing Arms & ^a	
1743.	Octob. 24. To Cash paid Richard Tootell by Order of the Governor and Council dated as in the Margin	£ s d 42.. 5.. 0
1744.	Sept. 13. To Cash paid Richard Tootell, by Order of the Governor and Council dated as in the Margin	11..10.. 9
	Sept. 14. To Cash paid William Marsh, by Order of the Governor and Council dated as in the Margin	13.. 5.. 0
	Ballance due on this Stock	10..14..11¾
		£77..15.. 8¾

Credit.

	By Ballance due on my last Account, passed with the General Assembly May 1744.	77..15.. 8¾
	No Duty collected, the Act by which it was raised being expired	
		£77..15.. 8¾

Your Committee having likewise inspected the last Report made by a former Committee, on the first of June 1744, and the Paper hereunto annexed, signed by M^r John Ross, do find by the said Report, the Treasurer's Accounts, and said Paper, the following Balances unapplied, viz.

L. H. J.
Liber No. 46

In the Hands of Samuel Hyde and Company, remitted by Samuel Young Esq ^r late Treasurer of the Western Shore	£	s	d
	184..	16..	0
In said Young's Executors Hands	£34..	13..	7¼ Gold, &
			0..18.. 3
In the Hands of Samuel Hyde, remitted by Robert Ungle Esq. late Treasurer of the Eastern Shore	34..	8..	8½
In the Hands of said Hyde, the Ballance of £529..6..10 Sterling, paid the Honourable Samuel Ogle Esq. to purchase Arms & ^{ca}	157..	18..	8
In the Hands of said Hyde transmitted by Col. Charles Hammond	210..	13..	6
In the Hands of Col. James Hollyday	10..	14..	11¼
	£34..	13..	7¼ Gold &
		599..	10.. 1¼

Your Committee having also inspected a Report made by the Conferrees of the Lower House of Assembly, bearing date the 29th of July 1740, take leave to mention Part thereof, viz.

That we find in the year 1719, an Order of Governor and Council to Col. Richard Tilghman, for £187..13..6 sterling, to purchase Arms for the use of the Province, from Richard Bennett Esq^r and Company; upon which Order another appears to be drawn by the said Col. Richard Tilghman for the above Sum of £187..13..6 on Robert Ungle Esq. Treasurer of the Eastern Shore, for which the said Ungle, in his Account, charges the Publick in 1720.

Your Conferrees further find by the Council Proceedings that in the year 1729, M^r Bennett appeared before the then Governor and Council, and produced the above Order, and deposed that he had not received the above Sum of money, or any Part of it; or any Thing in Satisfaction thereof, upon which it appears that another Order issued to the said Bennett, drawn on Col. Samuel Young, for the aforesaid sum of £187..13..6, by which it is conceived that the Publick has been twice charged for one and the same Sum, tho' it appears by the Oath of the said Bennett, not to have been paid him by M^r Ungle.

All which is humbly submitted to the Consideration of the Honourable House. Signed per Order. Thomas Jennings Cl. Com.

The following Disbursments are made since June 1744, out of the Three Pence for Arms.

L. H. J. For Arms and Ammunition as per Invoice 1744 out of Liber No. 46 Col Young's Ballance	437.. 4..8
For Bills of Exchange paid M ^r Johnson, on Account of the Indian Treaty, for Cash received from him, to be paid out of M ^r Ungle's Ballance	300.. 0..0
For Bills repaid the Governor for his Draught to John Gallaway, on said Account out of Col. Young's Ballance	60.. 0..0
For Bills paid William Marsh, for attending the Com- missioners on the said Account, out of Col. Hollyday's Ballance	13.. 5..0
For Bills paid Edmund Jennings Esq ^r the Ballance of the Commissioner's Account, out of Col. Ham- mond's Ballance	25.. 7..0
For Bills paid Richard Tootell, for one Years Salary and Service, out of Col. Hollyday's Ballance	42.. 5..0
For Bills paid ditto, for Work done to the Powder House, out of Col. Hollyday's Ballance	11..10..9
For Bills paid ditto his Salary, ending the 5 th March last out of Col. Young's Ballance	54.. 5..8
I. Ross Cl. Com.	<u>£943..18..1</u>

Memorandum. There is due to M^r Tootell 6 months 20 Days Salary, as Armourer, ending 25th Instant.

p. 536 M ^r Samuel Hyde	D ^r
Bought of Isaac Scott London, May 28. 1744	
PM { 100 Basket Hilt Horseman's Swords at 8/6	£42..10..0
N ^o 11 { The Case	0..12..0
N ^o 12 { 100 Ditto Ditto	42..10..0
{ The Case	0..12..0
50 Ditto Ditto	21.. 5..0
N ^o 13 { 250 Buff Belts 2 ^s 6 ^d each	31.. 5..0
{ The Case	0..10..0
	<u>£139.. 4..0</u>

Invoice of Goods Shipt on Board the Baltimore, Ierningham Bigg Master for Maryland, on the proper Account and Risque of the Province of Maryland, and goes consign'd to said Ross, viz.

PM Guns 240 & ^a Brazier	£188..19..0
N ^o 126 Powder and Ball Roberts	81.. 3..4
Swords as above. Scott	139.. 4..0
	<u>£409.. 6..4</u>

Entry Cocket and Searchers Fees	£6..0..0
Porters, Cartage and Warehouse Rent	3..0..0
Wharfage, Shipping and Lighterage	4..0..0
Primage paid the Master	4..4..0
Bills of Lading	0..1..0

L. H. J.
Liber No. 46

	17.. 5..0
Commissions at 2½ per Cent.	10..13..4

£437.. 4..8

N. B. The Shop note for the above mentioned Powder and Ball not being produced, it appears by Bill of Lading only, that the Quantity of Powder was twenty half Barrels, and one Hundred Caggs of Shot.

Which being read, the House concurs therewith, and the further Consideration of that Part of the said Report which relates to Robert Ungle Esq^r is referred to the fourth Day of the next Session of Assembly.

M^r Nicholas Goldsborough delivers M^r Speaker the following Report, viz.

By the Committee appointed to enquire, wherefore the several Sheriffs have been deficient in the Payment of the Money received by them in the respective Counties, on Account of Ordinary Licenses and publick Assessment. September 27. 1745

Your Committee find by Inspection into the Books of the Loan Office, and on the best Examination they were able to make, that the following several Sheriffs are deficient to the Publick on Account of the two following Acts, viz.

An Act for issuing and paying out of the Office of the Commissioners or Trustees for emitting Bills of Credit established by Act of Assembly, the sum of £2562..10 Current money, in Bills of Credit, to be applied for the Encouragement of Persons voluntarily inlisting themselves in his Majesty's Service; and an Act entituled An Act for raising and issuing money, for maintaining his Majesty's Forces to be raised in this Province, and for Transporting them to the Place of Rendezvous in the West Indies; as by the Account hereunto annexed appears, viz.

M ^r Benjamin Bradford late Sheriff of Cecil County	£93..15.. 7¾
M ^r Richard Porter Sheriff of Talbot County	85..18.. 6
M ^r Edward Trippe late Sheriff of Dorchester County.	134..10..10¾

Your Committee humbly conceive, that the Attorney General should be directed to sue the Bonds of the said several Sheriffs, according to the Years wherein the Ballances aforesaid became due, for the Recovery and due placing thereof, according to the Directions of the said respective Acts.

L. H. J. Your Committee conceive likewise, that other Sheriffs have not
 Liber No. 46 fully satisfied the publick Assessments made in the Years 1741 and
 p. 537 1742: nor the full of the Ordinary Licenses returned by the Clerks
 of the respective Counties, But as a thorough Examination and stat-
 ing their several Accounts would take more Time than is at present
 to spare

Your Committee recommend, that the Commissioners or Trus-
 tees for emitting Bills of Credit, be directed to write to the several
 County Courts, to order the Clerks respectively to return exact
 Accounts of all Licenses granted. And also if the Persons taking
 the same have not paid their Fines, that they direct the respective
 Clerks of Indictments to sue their Recognizances, and compel a Com-
 pliance, according to the Act in that Case. As also that the said
 Commissioners write to the several Sheriffs, who have received any
 money under the said respective Acts not accounted for, to pay in the
 same, And that the said Commissioners or Trustees, direct the Clerk
 of their Office to state an Account, in a distinct Book for that Pur-
 pose, with each respective Sheriff, who have in Virtue of the said
 Acts received the publick Assessment, or the Fines for Ordinary
 Licenses charging the different Assessments taken before or here-
 after to be made as also the Ordinary Licenses according to the
 Returns of the respective County Clerks, and Crediting the several
 Payments by them made, or to be made and the same to return to
 the next Session of Assembly.

All which is humbly submitted to the Consideration of your
 honourable House Signed per Order. R. Dorsey Cl. Com.

D^r Benjamin Bradford late Sheriff of Cecil County.

To the publick Assessment laid in the Year 1741 to be paid to the Com- missioners of the Loan Office	}	29..13..1½
To 10 Ordinary Licenses granted in the said County, at August and November Courts, 1740, as ap- pears by the Clerks Lists; Com- mission deducted		
		53.. 8.. 1½
To 17 Ordinary Licenses from March Court follow- ing to November Court 1741, Inclusive, as appears by the Clerks Lists, Commission deducted	}	40.. 7.. 6
		£93..15.. 7½

D ^r Richard Porter Sheriff of Talbot County			
To the publick Assessment laid in the year 1742, to be paid to the Commissioners of the Loan Office	}	76.. 8.. 6	L. H. J Liber No. 46
To 5 Ordinary Licenses from August Court 1742, to August Court 1743, inclusive, as per Clerks Lists, Commission deducted			
To 7 ditto from August Court 1743, to August Court 1744, as per said List, Commission deducted	}	11..17.. 6	
	}	16..12.. 6	

£104..18.. 6

C^r

By Money paid to the Commissioners of the Loan Office	19.. 0.. 0
Ballance	85..18.. 6

£104..18.. 6

D^r Edward Trippe late Sheriff of Dorchester County

To the publick Assessment laid in the year 1741, to be paid to the Commissioners of the Loan Office	}	35.. 9.. 8
To 6 Ordinary Licenses granted in 1740 and 1741, as per the Clerk's List or Account, appears		

49..14.. 8*

To the publick Assessment laid in the year 1742, to be paid to the Commissioners aforesaid	}	75.. 6.. 2¾
To 4 Ordinary Licenses granted in 1742, as per said List appears.		

84..16.. 2¾*

£134..10..10¾

Which being read the House concurs therewith.

Ordered, that D^r Carroll, Col. Colvill, Col. Hooper, M^r Nicholas Goldsborough, M^r Bordley, prepare an Address to the Governor, on the Subject matter of the said Report.

And ordered, that the Clerk deliver to the Commissioners for emitting Bills of Credit, established by Act of Assembly, a Copy of the said Report, and acquaint them, that this House requires their Compliance therewith.

L. H. J.
Liber No. 46
p. 538

Mr Nicholas Goldsborough delivers Mr Speaker an Address to the Governor, which was read, approved of, and ordered to be ingrossed
The House adjourns til To morrow Morning 9 of the Clock.

September
28

Saturday Morning, September 28, 1745

The House met according to Adjournment.

The Proceedings of Yesterday were read.

The following ingrossed Address, viz.

To his Excellency Thomas Bladen Esq^r Governor of Maryland.

The humble Address of the House of Delegates of the said Province.

May it please your Excellency.

Upon Examination and Report made by a Committee appointed by this House there appears to be due to the Publick, on the following two Acts of Assembly, viz. An Act for issuing and paying out of the Office of the Commissioners or Trustees for emitting Bills of Credit, established by Act of Assembly, the sum of £2562..10 Current money, in Bills of Credit, to be applied for the Encouragement of Persons voluntarily inlisting themselves in his Majesty's Service; and an Act entituled, An Act for raising and issuing money for maintaining his Majesty's Forces to be raised in this Province, and for transporting them to the Place of Rendezvous in the West Indies, from the respective Sheriffs mentioned in the Accounts hereunto annexed, the sum of Three Hundred and fourteen Pounds, five shillings, and one Farthing in different Years.

We therefore pray your Excellency will please to order, that the Attorney General take proper and legal means to recover the said Sums from the said respective Sheriffs, for the Uses in the said Acts provided.

Being read and assented to, was ordered, on Behalf of the House, to be signed by the honourable Speaker

William Stoughton Esq. and Mr Courts ordered to acquaint his Excellency, that this House hath prepared an Address to him, and desires to know when and where he will be pleased to receive it: They return and acquaint Mr Speaker his Excellency will receive it in half an Hour in the Conference Chamber.

The same Gentlemen sent to present the Address: They return and acquaint Mr Speaker they have presented it.

Resolved and Ordered, That the Honourable Speaker, Mr Philip Hammond, Dr Charles Carroll, Maj. Henry Hall, Mr Thomas Worthington, Mr Turnor Wootton, Mr Osborn Sprigg, Mr Stephen Bordley, and Mr John Addison, or any Three of them, receive and

keep for the next Assembly of this Province, any Papers or Letters which shall come from Ferdinando John Paris Esq. relating to, or concerning the Addresses of this House, that have been transmitted, and ordered to be presented to his most sacred Majesty, and the Right Honourable the Lord Proprietary; and therein transact every Thing proper and necessary for bringing the matters contained in the same Addresses, to a speedy Conclusion. And that they make Report of what shall be therein transacted or done, to the next Session of Assembly. And that the honourable Speaker forthwith transmit to M^r Paris, the Address of this House to his most Sacred Majesty, in order to be presented.

L. H. J.
Liber No. 46

Samuel Chamberlaine Esq^r from the Upper House delivers M^r Speaker the Journal of Accounts, with the following message, (See page 53)

Which being read and considered, Ordered, that the Committee of Laws prepare a Message in Answer thereto. p. 539

M^r Speaker communicates to the House the following Message from the Governor viz.

Gentlemen of the Lower House of Assembly

I did by a former Message, acquaint you with the Alarms the Governor of New York was under, from the Endeavours of the Governor of Canada to engage the six Nations in an Alliance; and I then laid before you the Letter and Papers I received from Governor Clinton, on that Head, that you might furnish a proper Present for the Indians: But you seemed then to rely so much on the late Treaty made with the Six Nations, as not to think this matter worthy your Consideration. The Governments of Virginia, Pennsylvania, and New York, have as much (and some of them more) Reason, to depend on the Treaties with those Indians, and their good Faith in a strict Observation of them; notwithstanding which, every one of those Governments look on themselves obliged, by their Duty to his Majesty, and Principles of self preservation, not to be backward in their Presents, for the better confirming and establishing the Six Nations in their Friendship and union with us at this Juncture: And upon the same motives, I must repeat my Instances that you would enable me to answer, in some Measure, the Expectations of Governor Clinton; and to this Purpose if your House think proper One Hundred Pounds may, with the Concurrence of the Council, be remitted by this Post, out of the money now remaining on the Fund for Three Pence for Arms.

T. Bladen

M^r George from the Committee of Laws brings in the following Message, (See page 54)

Which being read, and the Question put, Whether the House doth approve of the said Message? It was Resolved in the Affirmative.

L. H. J.
Liber No. 46

For the Affirmative

M ^r Bond	M ^r King	M ^r Pearce
Abell	D. Wilson	Hyland
Barnes	Dennis	John Hall
I. Gresham	Thomas	Gordon
R. Gresham	Ennalls	T. Hammond
Hen. Hall	Lecompte	Hopper
Courts	George	Henry
Stoughton	Colvill	Purnell

For the Negative

M ^r Harris	M ^r Smallwood	M ^r Paca
Carroll	W. Wilkinson	Buchanan
Worthington	N. Goldsborough	Wootton
Smith	Lloyd	Sprigg
Jos. Hall	I. Goldsborough	Addison
Brome	Hooper	Bordley
Mackall	Sherredine	Pemberton

On reading the message of this Day from his Excellency the Question was put, whether this House will agree to give the sum proposed in the said Message as a Present to the Six Nations of Indians Resolved in the Negative

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For the Negative

M ^r Abell	M ^r W. Wilkinson	M ^r Hyland
Harris	N. Goldsborough	Buchanan
Carroll	Lloyd	Wootton
Worthington	I. Goldsborough	Addison
Smith	Thomas	Bordley
Jos. Hall	Hooper	Hopper
Brome	Ennalls	Purnell
Mackall	Lecompte	
Smallwood	Pearce	

For the Affirmative

M ^r Bond	M ^r King	M ^r Sprigg
Barnes	Dennis	Gordon
I. Gresham	George	Pemberton
R. Gresham	Colvill	T. Hammond
Hen. Hall	Sherredine	Henry
Courts,	Paca	
Stoughton	John Hall	

Col. Hammond from the Upper House delivers M^r Speaker the following Paper Bills, viz.

The Bill entitled, An Act continuing an Act entitled, An Act for the speedy and effectual Publication of the Laws of this Province &^a L. H. J. Liber No. 46

An additional supplementary Act to the Act entitled, An Act for laying out and erecting a Town at a Place called Long Point &^a

A supplementary Act to the Act entitled, An Act to enable Commissioners therein named to lay out Forty Acres of Land into Eighty Lots for a Town on Indian River &^a

A supplementary Act to the Act entitled, An Act appointing Commissioners for dividing St Mary's County into four Parishes &^a

An Act for laying out the Town a-new commonly called Princess Anne Town &^a

An Act to prohibit raising of Swine and Geese in the Town of Cambridge &^a

An Act to impower and direct the Clerk of Anne Arundel County Court to enter and record among the said County Records, a Deed of Bargain and Sale from William Mitchell, &^a

An Act to impower and direct the Clerk of Charles County to enter and record among the said County Records, a Deed of Bargain and Sale from James Connell and Anne his Wife &^a

A supplementary and additional Act to the Act entitled, An Act for erecting a Town on the North side of Potapscow in Baltimore County &^a

An Act for laying an Imposition on Tobacco, and other Commodities therein mentioned for the Discharge of his Lordship's Quit Rents &^a

An Act for the Trial of all matters of Fact in the several Counties &^a

An Act to enable the Commissary General to enter and record amongst the Records of his Office, the last Will and Testament of Henry Staples deceased &^a

An Act for Settlement of Lands therein mentioned on Francis Waring &^a

An Act to direct and impower the Clerk of Prince George's County to enter and record among the Records of the said County, a Deed of Bargain and Sale from John Nevill &^a

An Act for Limitation of Officer's Fees.

An Act for ascertaining the Allowance of Petit Jurors attending the Provincial Court &^a

An Act for laying out one Acre of Land convenient to Rock Creek Landing on Potomack River, &^a

An Act to divide Dorchester and Queen Ann's Counties, &^a

An Act to divide Prince George's County &^a And

An Act for the Gauge of Barrels for Pork, Beef &^a

L. H. J.
Liber No. 46

Which Bills were severally thus indorsed viz.

By the Upper House of Assembly, "The ingrossed Bill, whereof this is the Original is read and assented to.

Signed per Order I. Ross Cl. Up. Ho.

The House adjourns to 2 of the Clock.

Post Meridiem

The House met according to Adjournment

The Message brought in by M^r George was sent, with the Journal of Accounts, to the Upper House by M^r Worthington, and M^r Pemberton

p. 541 Samuel Chamberlaine Esq. from the Upper House, delivers M^r Speaker the Journal of Accounts, Indorsed, (See page)

Col Lloyd from the Upper House delivers M^r Speaker the Bill entituled, An Act for the Relief of John Penny &^a Indorsed, (See page 55)

M^r Speaker communicates the House the following Message from the Governor viz.

Gentlemen of the Lower House of Assembly.

It is really a Pity your Earnestness to deprive the Province of a perpetual Law for ordering the Militia in its Defence, and to divest the Government of a Power to raise 50000 lb of Tobacco in a year, should engage your House to use so much Time and Paper, in order to confound the sense of yourselves and every Body else, on so plain a Point as the Perpetuity of the present Militia Laws: But I must confess your long Address on this Subject is the less wonderful, as there was a necessity for attempting to justify your House in resolving that the Pound of Tobacco was unjustly levied, before any Reasons could be considered or offered, to shew that it was lawfully levied: And also when, in the first Page thereof, you set off with a notorious wrong Principle in Reasoning, upon which all the Rest of your Address seems chiefly to depend. I had before laid down as a Rule with regard to a perpetual and temporary Law," That there is no Time limited for the Duration, Operation, or Continuance of the former, and therefore it must continue in force 'til it is repealed; That the latter having a fixed or limited Time for it's Duration, or Operation, it must certainly expire when the Time so fixed or limited expires, or the End for which it was made is fully answered; unless it is continued by another Law." As there is no Time limited for the Continuance of the Law in 1722, which revived the Law of 1715, it necessarily follows that Revival must be perpetual: This appeared in so strong a Light to you, that it seemed necessary you should first endeavour to get clear of that Distinction, before you could promise yourselves any Success in amusing one another further on this Subject. And pray how do you manage this Point? Why,

you admit my Distinction, but then you urge it will not serve my Purpose, because (you say) Altho' in the Enacting a Law in the first Instance, it must necessarily be supposed, from the not giving it a Limitation, to be the Intention of the Legislature that it should be perpetual, unless it be in it's own nature made but for a temporary Purpose, yet you apprehend there is no room for the like supposition in the present Dispute. And you say further, That "if there be no necessity to suppose it the Intention of the Legislature, that the Law of 1715 should, by that of 1722, be made perpetual, this Case is then clearly without Distinction." I cannot comprehend why the same Reason will not hold in a reviving Law without Limitation, which you admit to be in a Law in the first Instance; but I cannot help expressing my Surprise at such palpable misconceptions as you have entertained concerning the Continuance of Laws; for your Reasoning tends to prove, that a Law once made must cease, unless some Intention of the Legislature can be proved that it should continue: This Proposition, however harsh and even absurd in Terms, it must now appear, yet is really the scope of your whole Argument, whereas, had you thought fit to have considered, that when a Law is once made, or has an Operation or Force, either in the first Instance, or by Revival, it must necessarily always continue in force, unless the Cause, nature, or some express Limitation in the Law, determine it; you would have saved me and your selves much Trouble and Time on this Subject. A Command or Law, in the nature of the Thing, once in force, tho' but for a moment, must necessarily always continue, unless determined by some of the foregoing Circumstances; for there is no necessity to shew any Intention to continue it, but to determine it; and if you should deny this plain Proposition, I will not pretend further to convince you. This being so, my Distinction is applicable to the Law of 1715, which was put in force without any Limitation of Time, by the express words of the reviving Law of 1722, and now continues, since there is no Circumstance in the nature of the Thing commanded, or Occasion of making it, to determine it. You have started another notion yet more extraordinary, viz. That the Clause of Limitation in the Law of 1715 was revived by the Law of 1722: was such an Assertion ever thought of by any Lawyer, or even other Person whatsoever as, that when a Law is revived, the very continuing Clause is revived? What Jargon and Clashing must arise in the Exposition of the Continuance of Laws, by such Doctrine? The Law of 1715 is, by the continuing Clause in the Law itself, to be in force for three years, and to the End of the next Session; which must mean three years from that Session in 1715, or nothing: The Law in 1719 revived that Law for three years &^a which must be from 1719, and the Law in 1722 continued that Law without any Limitation. But if the Law of 1719 and 1722 revived the continued Clause of 1715 with the other Parts of the

L. H. J.
Liber No. 46

L. H. J. Law, I am at a loss to know to what Purpose; since the three years
 Liber No. 46 &^a intended by that continuing Clause from 1715 was expired in
 p. 542 1719, But the Truth and Reason of the Thing is this, that when a
 Law is revived, it is impossible by any Words or Design of the
 Legislature to revive the Continuing Clause, since the Time is ex-
 pired to which it only relates, and therefore as Time cannot be
 brought back again, that Clause can never be said to be revived,
 And as the continuing Clauses must necessarily cease, and be after-
 wards ever void to all Intents and Purposes, of themselves; the
 Legislators in any Country never did, in any Instance whatsoever,
 either of reviving, or perpetual Laws, repeal a continuing Clause;
 since it would be unnecessary and ridiculous to make void what in
 nature never could be supposed good, and it is sufficient to answer
 all Purposes if the Purview of the Law is revived without the con-
 tinuing Clause.

As for the supplementary Act to the Act for the ordering and
 regulating the Militia of this Province, for the better Defence and
 Security thereof; the Title of that expressly refers to the Act. This
 is the Act which appears in our Body of Laws; this is the Act under
 which the Militia has been always regulated and considered, and
 the Security of the Province against Invasions and Insurrections,
 only depends. Is not this an Attempt evidently calculated to explain,
 or rather quibble away, the Militia Laws, and leave the Country
 defenceless against any foreign or domestick Enemy, and to subject
 all the Military Officers in the Country to endless Suits and Dis-
 putes, for every Thing they have done in virtue of the said Law?
 From these Circumstances I may fairly conclude, This is the Act,
 and no other referred to in the supplementary Act, which the Legis-
 lators then, and before considered as a perpetual Law; and which
 I am so thoroughly convinced to be so, that for the sake, Defence,
 and Ease of the Province, I am determined, with the Advice of the
 Council, to put the same in Execution in all it's Parts, as often as
 Occasion requires; 'til I am satisfied by some better Reasons, that
 this Law of 1715 has been expired ever since 1725, contrary to that
 common Sense which I am master of. T. Bladen

The Business of this Session being finished, Col. King and Maj.
 Hall are sent to acquaint his Excellency, that no publick Business lies
 before this House.

Col. Plater from the Upper House acquaints M^r Speaker, that
 the Governor requires the immediate Attendance of the Lower
 House in the Council Chamber.

M^r Speaker left the Chair, and attended by the several Members
 of the Lower House, went to the Council Chamber; where his Ex-
 cellency passed the several following ingrossed Bills into Laws, in
 the usual Manner, by Sealing them with the Right Honourable the
 Lord Proprietor his Great Seal at Arms, and Indorsing them thus,

On Behalf of the Right Honourable the Lord Proprietary of this L. H. J.
Province, I will this be a Law, (See page 55) Liber No. 46

The following ingrossed Bills were likewise presented to his Ex- p. 543
cellency, but were laid by as thereof he would be advised (See
page 56)

His Excellency then made a Speech to the members of the Lower
House of Assembly, and dissolved them.

So endeth this Session of Assembly, this Twenty eighth Day of
September, in the Thirty-first Year of the Dominion of the Right
Honourable Charles, Absolute Lord and Proprietary of the Provinces
of Maryland and Avalon, Lord Baron of Baltimore &^a and in the
Year of Our Lord God 1745

Test W^m Tilghman Clk. Lo. Ho.

ACTS.

Session Laws
Chap. I
p. I
An Act
continued to
December
25, 1746

An Act Continuing an Act, entituled, An Act for the speedy and effectual Publication of the Laws of this Province, and for the Encouragement of Jonas Green, of the City of Annapolis, Printer.

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent, of his Lordship's Governor, and the Upper and Lower Houses of Assembly and the Authority of the same, That the above-mentioned Act, entituled, An Act for the speedy and effectual Publication of the Laws of this Province, and for the Encouragement of Jonas Green, of the City of Annapolis, Printer, made at a Session of Assembly, begun and held at the City of Annapolis, on Tuesday the first Day of May, Annoque Domini, Seventeen Hundred Forty and Four, be, and is hereby, Continued in full Force until the Twenty-fifth Day of December, which shall be in the Year of our Lord One Thousand Seven Hundred and Forty-six, and no longer.

Chap. II An Additional Supplementary Act to the Act, entituled, An Act for laying out and erecting a Town, at a place called Long-Point, on the West side of North-East River in Cæcil County.

Preamble Whereas, upon the Tenth Day of May next, sundry Lots in said Town called Charles-Town, will be Forfeited for want of Building thereon, and performing the Requisites by the said Act of Assembly appointed: And it being found by experience that the most ready and expeditious way to dispose of the said forfeited Lots in said Town, to be by Ballot, in the same manner as was at first used and appointed by said Act of Assembly.

Lots forfeited to be disposed of by Way of Ballot Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall and may be lawful for the Commissioners of said Town, for the Time being, and they are hereby impowered, if they see fit, to dispose of the said forfeited Lots, by way of Ballot, in the same Manner, and giving the same Notice, as is directed in said Act, or in such other Manner as shall to the major part of them appear to be most conducive to the Benefit and Advantage of said Town; any thing in the first mentioned Act to the contrary notwithstanding.

The Money to the public Uses of the said Town And be it further Enacted, That all Money arising by the Sale or Disposal of said Lots, shall be laid out for the publick Uses of said Town, and be accounted for by the Commissioners in the same manner as is directed by former Act, of Assembly relating thereto.

A Supplementary Act to the Act entitled, An Act to enable Commissioners therein named to lay out forty Acres of Land into eighty Lots, for a Town on Indian River, in Worcester County; as also forty Acres of Land into eighty Lots, at the Head of Asseteague Creek, at a Place commonly called the Trap, for a Town.

Session Laws
Chap. III
p. 2

Whereas, it is represented to this General Assembly, that in Pursuance to the Directions and Authority given in the above-mentioned Act, made at a Session of Assembly begun and held at the City of Annapolis, the first Day of May, Anno Domini Seventeen hundred and forty-four, the Commissioners therein named, or the major Part of them, together with the Surveyor of Worcester County, did proceed, and actually lay out, the two Towns in the said Act mentioned, by the Names of Baltimore-Town and Newport-Town; but that the Surveyor of the said County, upon performing his Part of Duty, as required and directed by the said Act, refused to stake out and distinguish the several and respective Lots in the said Towns, or to pay and satisfy the Chain-Carriers for their Service. And whereas, it is further represented, that the said Town, called Baltimore-Town, is not laid out in so commodious a Place, nor on such navigable Water, as it would be, were it laid out more bending on Indian River than at present it does.

Preamble

For Remedy whereof, Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Capt. John Purnell, Capt. Parker Selby, Mr. Abraham Outten, Capt. Thomas Robins, Mr. John Miller, Capt. Joseph Miller, and Major Samuel Hopkins, or the major Part of them, be, and are hereby appointed Commissioners, and are by Virtue of this Act authorized and empowered, together with the Surveyor of the said Worcester County for the Time being, to lay out a-new the said Town called Baltimore-Town, in such Manner as to them the said Commissioners, or the major Part of them, shall seem meet, so as to include within the Bounds thereof such navigable Water as may be most conveniently situated thereto; and that they the said Commissioners, or the major Part of them, shall be, and are, by Virtue of this Act, invested with the same Powers and Authorities in laying out the said Baltimore-Town a-new, to all Intents, Constructions, and Purposes whatsoever, as the Commissioners were by the former Law invested with.

Commissioners
appointed

And be it further Enacted, That the Surveyor of Worcester County for the Time being shall be, and he is hereby obliged, to lay out, stake, mark, and number every Lot distinctly in the said Baltimore-Town, when the same shall be laid out a-new by the Commissioners aforesaid; as also in the Town heretofore laid out by him called Newport-Town, in Worcester County aforesaid; as well as

Surveyor of
Worcester
County to
lay out the
Lots, &c.

Session Laws the Bounds of the Streets, Lanes, and Alleys, in the said Towns
 p. 3 respectively: And that the said Surveyor shall pay out of the Sum
 allowed him by the former Law, for laying out the said Towns, the
 several and respective Chain-carriers that have been, or shall be em-
 ployed in laying out the Town or Towns aforesaid; any Law to the
 contrary notwithstanding.

Proviso Provided always, That the several Matters and Things, to be done
 by Virtue of this Act, shall be finished and compleated at some Time
 on or before the first Day of May, which shall be in the Year of our
 Lord God One thousand seven hundred forty and six.

Chap. IV A Supplementary Act to the Act entituled, An Act appointing Com-
 missioners for dividing St. Mary's County into four Parishes, and
 to erect that Part of All Faith and King and Queen Parish, lying
 in Charles County, into a distinct Parish.

Preamble Whereas, by the said Act entituled, An Act appointing Commis-
 sioners for dividing St. Mary's County into four Parishes, and to
 erect that Part of All Faith and King and Queen Parish, lying in
 Charles County, into a distinct Parish, made at a Session of Assem-
 bly begun and held at the City of Annapolis, the first Day of May,
 Anno Domini, One thousand seven hundred forty and four, among
 other Things it was enacted, that the several and respective Justices
 of St. Mary's County for the Time being, together with the Sheriff
 and Surveyor of the same County for the Time being, were by the
 same Act appointed Commissioners to execute the several Matters
 and Things in the said Act appointed and directed, by a certain Day,
 in the said Act mentioned. And whereas, by some Neglect the same
 Act was not carried into Execution, nor the Parishes therein men-
 tioned divided; for Remedy whereof,

Commis- Be it Enacted by the Right Honourable the Lord Proprietary, by
 sioners ap- and with the Consent of his Lordship's Governor, and the Upper and
 pointed for Lower Houses of Assembly, and the Authority of the same, That
 dividing the Reverend Mr. Lawrence Debutts, the Reverend Mr. John Don-
 St. Mary's aldson, Mr. Zachariah Bond, Mr. Samuel Abell, Mr. Abraham
 County into Barnes, Mr. James Mills, Capt. John Hicks, Major George Clark,
 Parishes and Mr. John Chesley, or the major Part of them, together with the
 Sheriff and Surveyor of St. Mary's County for the Time being, be,
 and are hereby appointed Commissioners, to carry the said first above-
 mentioned Act into Execution, so far as relates to the dividing
 Saint Mary's County into Parishes, in the same Manner, and to the
 same Purposes, as therein is more particularly directed; and that
 the same be done at some convenient Time before the first Day of
 April, which shall be in the Year of our Lord God One thousand
 seven hundred and forty-six: And when the said Parishes are so
 divided, such Division shall be, and is hereby declared to be, as

effectually to all Intents and Purposes whatsoever, as if the same had been made and done under the former Act; any Law to the contrary notwithstanding.

An Act for laying out the Town a-new commonly called Princess Anne Town, in Somerset County.

Session Laws
Chap. V
P. 4

Whereas, it is represented to this General Assembly, that the Bounds of the said Town, and Lots therein, are so obscure, that the same are scarcely known by the Owners or others; and that the Right of Lots not taken up in the said Town are not to be come at, from an Incapacity in the Proprietor or Proprietors to convey the same; which greatly discourages the further Improvement and Settlement of that Place, being convenient for Trade and Commerce. Wherefore it is prayed, that an Act of this General Assembly may pass, to lay out a-new the said Town, containing twenty-five Acres, as near as may be to the original Bounds thereof, without Injury to the Improvements therein already made.

Preamble

Be it therefore Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Col. Robert King, Col. George Gale, Col. George Dashiell, Capt. Henry Ballard, Major John Elzy. Capt. Samuel Wilson, and Capt. John Dennis, be, and are hereby appointed Commissioners, and are, by Virtue of this Act, authorized and empowered to survey and lay out the same twenty-five Acres of Land formerly laid out for a Town, under an Act of Assembly made at a Session of Assembly begun and held at the City of Annapolis, the thirteenth Day of March, Anno Domini Seventeen hundred thirty and two, by the Name of Princess Anne Town, as agreeable as it conveniently may be to the original Survey, without incommoding the present Settlements thereon; always having a Regard to the Ground already laid out for public Buildings, that the same be continued to that Use, and none other, for ever.

Commissioners appointed for laying out the Town

And be it further Enacted, That the said Commissioners, or the major Part of them, be, and are hereby empowered and required at any Time, by them, or the major Part of them, to be appointed, before the first Day of May next ensuing this present Session of Assembly, to meet at the said Town, and call and take to their Assistance the Surveyor of Somerset County, or such other Person skillful in Surveying, as the said Commissioners, or the major Part of them, shall think fit to choose, and then and there proceed carefully to re-survey the aforesaid twenty-five Acres of Land, and lay out the same into as many convenient Lots, as were heretofore in the said Town laid out, marked, and numbered One, Two, and so on to Thirty; with the same Streets, Alleys, and Lanes, as formerly laid out in the said Town, provided they do not incommode the present

The Surveyor of the County, or some other skillful Person to remedy the said Town

Session Laws Settlements, nor the Ground appropriated to the Use of public Buildings before-mentioned.

Commissioners and Surveyor's Duty in laying out said Town p. 5 And be it further Enacted, that the said Commissioners shall cause the same Survey to be made, as near as possibly they can, agreeable to the original Survey of the said Town, and shall cause to be set up good substantial and durable Posts, or such other Boundaries as to them shall seem meet, to settle and distinguish the same Survey for ever; always having Regard as near as may be to the original Survey thereof, and the Lots already improved and built upon, as aforesaid. And that the Surveyor so to be chosen, as is before directed, shall, at his own proper Cost and Charge, find and provide good substantial and durable Posts, sufficient and necessary for each respective Lot, Street, Lane, or Alley, in the said Town; and fix the said Posts in their proper Places, with the Mark or Number of the Lot, which Post is to ascertain the Beginning of said Lot; and likewise shall make out fair and exact Plats of the Town aforesaid, and Survey thereof, whereby each Lot, Street, Lane, and Alley, therein may appear to be well distinguished by their respective Numbers, and Names, and the same Plats, with full and plain Certificates thereof, shall deliver to the Commissioners aforesaid, or the major Part of them, to be entered by and repositied with the Clerk of the Town aforesaid.

Name of Town And be it further Enacted, That the same Land so surveyed, laid out, and distinguished, shall be, and is hereby made and erected into a Town, and shall be called by the Name of Princess Anne Town.

Lots taken up to be built on Within three Years after the Survey And be it further Enacted, That the Owners and Possessors of any of the Lots already taken up in the said Town, not as yet built upon, or that shall hereafter take up any of the said Lots, shall, and are hereby required to erect and build upon such Lot or Lots, within three Years after the Survey to be made as aforesaid, and a Record thereof made and entered according to the Directions of this Act, one House that shall cover four hundred square Feet of Ground, with one good Brick or Stone Chimney at least; and if any such Owner, or Owners of such Lot or Lots as aforesaid, shall neglect or refuse to build as aforesaid, that then and in such Case, the Right, Title, and Property of such Owner or Owners to such Lot or Lots, at the Expiration of the said three Years, shall cease and determine, and the Lot or Lots shall become the Property of the former Proprietors. Provided, that the Owner or Owners of such Lot or Lots be not under Age, beyond the Seas, or out of this Province, at the Time of such Survey, and Record, and Entry, as aforesaid; in either of which Cases, such Owner or Owners shall have the Liberty to improve and build on the said Lot or Lots as aforesaid, at any Time within three Years after such Owner or Owners arriving to his or their Age of twenty-one Years, or returning into this Province.

And be it further Enacted, That the said Commissioners, or the major Part of them, shall, and are hereby required and impowered to nominate and appoint some sufficient and skillful Person to be their Clerk, who shall make a fair Record and Entry of all the Proceedings of the said Commissioners, in a sufficient Book to be by the said Clerk provided for that Purpose, to whom the Surveyor shall, and is hereby obliged to deliver a fair Plat of the said Lots to be surveyed as aforesaid; which Clerk and his Successors shall transmit to the Clerk of Somerset County for the Time being, the whole Proceedings of the said Commissioners, together with the said Plat, to be lodged amongst the County-Records; which Proceedings the Clerk of the said County is hereby required to take charge of.

Session Laws
The Commissioners
to appoint
a Clerk

His Duty

And be it further Enacted, That the said Commissioners shall, and are hereby impowered and required to ascertain what Fee or Fees the Surveyor aforesaid shall have, as well for his Trouble in making the Survey aforesaid, making and returning the Plat aforesaid, finding and providing Posts, and fixing the same as aforesaid, as for all other Services by him required and enjoined to be done by this Act; and also what Fee or Fees the said Clerk shall have for entering the Proceedings of them the said Commissioners; and the several Services directed by this Act to be done; and transmit an Account of such Fees, under their Hands, or the Hands of the major Part of them, to the Justices of Somerset County Court; which Justices are hereby required and impowered to tax and assess the same respective Fees in the County Levy, which shall be next laid after such Transmission: And that upon Decease, Removal, or Resignation of such Clerk as aforesaid appointed, it shall and may be lawful for the said Commissioners, or the major Part of them, to nominate and appoint a Clerk for the said Town, and so as often as Need shall require.

p. 6
Surveyors
and Clerk's
Fees to be
ascertained
by the Com-
missioner

And to the End that the said Town may not be hindered in it's Improvements, either by the Refusal of the Proprietor or Proprietors of the said twenty-five Acres to sell any of the Lots therein to be laid out as aforesaid; or under a high or unreasonable Price, by which Means any Person may be prevented from purchasing the same; or by some Disability or Incapacity in such Proprietor or Proprietors, to convey the same: Be it Enacted, by the Authority, Advice, and Consent aforesaid, That it shall and may be lawful to and for the said Commissioners, or the major Part of them, to treat and agree with the Proprietor or Proprietors, Guardian or Guardians of the Proprietor or Proprietors, of the said Land, not already taken up, for the Price of the same, at any Time before the first Day of June next ensuing; and in case they make an Agreement for the Price with the Proprietor or Proprietors, Guardian or Guardians, as aforesaid, that when the Lots shall be laid out, they set a Price on each Lot not already taken up or purchased, for which the Taker-up shall pay; but in case they cannot agree for the said

Lots refused
to be sold
by the
Proprietor's
to be valued
by Jurors

Session Laws Ground, that then they the said Commissioners, or the major Part of them, are hereby authorized, impowered, and required, ten Days at least before the Day or Days on which a Survey as aforesaid is directed to be made, to issue a Warrant, directed unto the Sheriff of the said County, which said Sheriff is hereby authorized and required, upon Receipt of such Warrant, to summon and impanel a Jury of twelve substantial Freeholders, Inhabitants of the same County, to be and appear before the said Commissioners, or the major Part of them, at the same Town, at a certain Day, being such Day or Days on which the aforesaid Survey shall be made, which Jurors, upon their Oath to them by such Commissioners, or the major Part of them, to be administred (who are hereby required and authorized to administer the same), shall enquire what Damages and Recompense ought to be awarded to the said Proprietor or Proprietors, Guardian or Guardians, as aforesaid, for all such Lots as are not taken up and possessed by any Person or Persons, other than
 p. 7 such Proprietor or Proprietors, Guardian or Guardians as aforesaid, of the said twenty-five Acres; and the Payment of such Sum or Sums of Money or Tobacco, as such Lot or Lots shall by the said Jury be adjudged worth to the Proprietor or Proprietors, Guardian or Guardians, as aforesaid, or a Tender thereof, by such Person or Persons who shall be willing and desirous to take up such Lot or Lots as aforesaid; and Refusal by such Proprietor or Proprietors, Guardian or Guardians, as aforesaid, and such Payment or Tender, and Refusal, being duly proved by the Oath of one or more lawful Witness or Witnesses, before two Justices of the Peace for the said County, by the said Person or Persons intending to take up the same; and an Entry or Record thereof made by the Town Clerk aforesaid, and returned by him to be lodged, with the other Proceedings, in the same County Court Office as aforesaid, shall give and make to such Person or Persons complying with the other Requisites in this Act mentioned, a good and indefeasible Estate of Inheritance in Fee-Simple, to them, their Heirs, and Assigns, for ever; any Law, Statute, Usage, or Custom, to the contrary notwithstanding.

Lots built upon to be vested in the Takers-up, their Heirs and Successors And be it Enacted, That all Lots hereafter to be taken up, shall be built upon and improved, according to the before Dimensions, within three Years after the taking up of the same; which Lots so built upon by the Takers-up, or their Heirs, or Assigns, and paid for, or a Tender of Payment made, as before provided, shall be the Right, Property, and Estate, of such Person or Persons so taking up, improving, and paying for the same, their Heirs, and Assigns, for ever.

Time limited for taking up of Lots And be it further Enacted, That all Persons minding to take up Lots in the Town aforesaid, shall have free Liberty to take up and enter the same for the Space of seven Years, to be computed from the Time of making the same Survey; but in case all the Lots should

not be taken up within seven Years after the Survey made, that then it shall revert to the former Proprietors: Provided always, that the Proprietor of the remaining Land not taken up or held, his, her, or their Guardian or Guardians, in his, her, or their Right, shall have the Preference of taking up any one Lot, he, she, or they shall think fit, more than he, she, or they have already improved upon, so that he, she, or they make their Election within ten Days after the Survey aforesaid is to be made.

And be it further Enacted, That every Person who already hath, or hereafter shall, take up, pay for, and build upon, any of the Lots laid out by Virtue of the Acts of Assembly, their Heirs and Assigns for ever shall be chargeable with and liable to the Payment of One Penny Sterling Money, yearly, for each Lot so taken up, paid for, and built on, to the Right Honourable the Lord Proprietary and his Heirs for ever, and that the Clerk of Somerset County yearly transmit to his Lordship's Agent for the Time being an Account of all the Lots, taken up, paid for, and built on, according to the Directions of this Act.

Saving to his most Sacred Majesty, his Heirs, and Successors; the Right Honourable the Lord Proprietary, his Heirs and Successors; and to all Bodies Politic and Corporate, and all other Persons not mentioned in this Act: their several and respective Rights.

An Act to prohibit raising of Swine and Geese in the Town of Cambridge, in Dorchester County.

Whereas, the Freeholders and Inhabitants of the Town of Cambridge, in Dorchester County, by their humble Petition have set forth, that diverse Persons living in the same Town do raise and keep great Quantities of Swine and Geese within the same Town, to the great Prejudice of the Inhabitants thereof.

Be it therefore Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That no Person or Persons whatsoever, living or to live within the same Town, shall, after the End of this present Session of Assembly, under any Pretence whatsoever, keep or support within the same Town any Swine or Geese, belonging to themselves or any other Person whatsoever, unless such Swine or Geese be kept within such Person or Person's Inclosure, so keeping or supporting such Swine or Geese.

And be it further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That any Person or Persons that shall be convicted before any Magistrate, on Confession or Proof of transgressing against this Act, shall pay five Shillings Current Money for each Transgression: The same to be levied on the Body, Goods, or Chattels of the Offender, by Way of Execution, as in Case of

Session Laws
Proviso

One Penny
Sterling to
be paid
annually to
his Lord-
ship, for
each Lot so
taken up and
built on

p. 8

Chap. VI

Preamble

No Person
to raise
Swine or
Geese in the
said Town
unless in
inclosure

Penalty in
case of
Default

Session Laws small Debts, and to be applied to the Use of the Free-School of the County aforesaid.

Chap. IX A Supplementary and Additional Act to the Act entituled, An Act for erecting a Town on the North Side of Patapsco, in Baltimore County; and for laying out in Lots sixty Acres of Land, in and about the Place where John Fleming now lives: And to an Act entituled, An Act for erecting a Town on a Creek divided on the East from the Town lately laid out in Baltimore County, called Baltimore-Town, on the Land whereon Edward Fell keeps Store.

Preamble Whereas, the Inhabitants of Baltimore and Jones's Towns, in the County of Baltimore, have, by their humble Petition to this General Assembly, set forth, that the said Towns are very conveniently situated in regard to the back Inhabitants, and Navigation on the Head of the North-West Branch of Patapsco River, and only parted by the Head of the said Branch, over which they have erected a good Bridge, which makes a very easy Communication between them, and
 p. 9 proves greatly to the Service, not only of the said Town, but Travelers in general: As also that the said Towns, in regard that they are so contiguous to each other, the same might be reduced into one Town, by the Name of Baltimore-Town; that the several Boundaries, which at present are not, may be well ascertained; and that Commissioners may be appointed in order fully to execute this Act, and see the said Towns carefully surveyed. And further they set forth, that there are several Sums of Money due from Takers-up of Lots in the said Town, in Virtue of the several Laws whereby the said Towns were erected; and that the Commissioners to be appointed by this Act may have Power to receive and recover the same, to be applied to the Use of the said Town; and also that the Commissioners to be appointed by this Act may have Succession. They further set forth, that several Lots in the said Towns were not taken up under the former Laws, but that some have since been purchased from the Owners of said Towns; and that it is highly probable all the Lots in the said Towns, not yet taken up or purchased, in a very short Time will. Therefore they humbly pray, that such as have already purchased, or may hereafter purchase Lots, within the original Survey of said Towns, may to all Intents and Purposes have and enjoy, as sure and indefeasible Estates in Fee-Simple, in the said Lots so purchased, or to be purchased, as if the said Lots had been taken up and improved according to the Direction of the Laws that erected the said Towns; and that all Improvements, that are or may be made out of the Water, be secured to the Improver or Improvers, as fully and amply, as if the same had been originally laid out within the Bounds of the said Towns. And further they pray, that no Swine, Sheep, or Geese may be kept or raised within said Town, unless

kept in Inclosures. All which this General Assembly think reason- Session Laws
able to be Enacted.

Be it therefore Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the same Towns, now called Baltimore and Jones's Town, be incorporated into one entire Town, and for the future called and known by the Name of Baltimore-Town, and by no other Name; and that the Bridge the Inhabitants of said Town have built on the Branch that divided said Towns, be for the future deemed a public Bridge, repaired and kept passable for Man, Horse, Cart, or Waggon, for the future, at the Expence and Charge of Baltimore County.

The two Towns to be incorporated into one Town

And be it further Enacted, That Major Thomas Sheredine, Dr. George Buchanan, Col. William Hammond, Capt. Robert North, Capt. Darby Lux, Mr. Thomas Harrison, and Mr. William Fell, be, and are hereby appointed Commissioners, in order to see this present Act, and the former Acts relating to the Towns before-mentioned, put in Execution; and that they cause the said Towns to be carefully surveyed by the Out-Lines of said Towns, and therein include the Branch over which the Bridge is built; and that they from time to time cause all the Lots taken up and improved, or that hereafter shall be taken up and improved, to be regularly surveyed, substantially and fairly bounded, and numbered, in order to prevent any Disputes that may happen touching the Right to any the said Lots, or any Part of them.

Commissioners appointed for the said Town

p. 10

And be it further Enacted by the Authority aforesaid, That when and as often as any of the said Commissioners shall die, remove out of the County, or decline and refuse to act as a Commissioner, that then the major Part of the Commissioners for the Time being shall, in the Room of such Commissioner, appoint and nominate another to serve in the Stead of such Commissioner so dying, removing, or refusing to serve, as aforesaid. And that should any Dispute hereafter arise, touching the Bounds of any Lot or Lots within the same Town, that the same shall be fully determined by the said Commissioners, or the major Part of them: And to prevent any Partiality that may be used herein, that the said Commissioners, or the major Part of them, meet at least once a Year, and then see that a Boundary to each Lot be kept up and preserved in Manner before prescribed; and in case any be decayed, that they cause other sufficient Boundary to be fixed in the Room of any missing or decayed.

On the Death or Removal of a Commissioner, a new one to be chosen

And forasmuch that this, and other Matters in this Act contained, will greatly tend to the Security of the Inhabitants of said Town, and the Preservation of their Rights; Be it also Enacted, That the said Commissioners have Power, by this Act, to employ a Clerk, who shall be under Oath, fairly and honestly to enter in a Book, to be

Commissioners to appoint a Clerk

SessionLaws kept for that Purpose, all the Proceedings of said Commissioners relating to said Town; in which Book, amongst other Things, shall be kept a fair Plat of said Town, neatly platted, describing every Lot by it's right Number, and who the Taker-up was or shall be; and that all or any the said Commissioners, and their Successors, shall have Recourse to the Clerk's Book or Books, as frequently as he or they please, without Fee or Reward, the better to prevent any Corruption.

Surveyor's and Clerk's Fees But in regard the Clerk and Surveyor, for their Trouble, must have some Reward, Be it Enacted, That the said Commissioners, or the major Part of them, may levy, assess, and take by Way of Distress if needful, from the Inhabitants of the said Town, by even and equal Proportion, the Sum of three Pounds yearly for the Encouragement of their Clerk, to be paid to him; and that they have Power to place and displace their Clerk as often as they shall think fit: And that the County-Court of Baltimore have Power, and hereby are required, at the Request of said Commissioners, or the major Part of them, to levy on the taxable Inhabitants of said County, any Sum not exceeding fifteen hundred Pounds of Tobacco, for the Use of the Surveyor, or Person that shall be employed in surveying and laying out a-new the said Town.

Money due on Lots formerly taken up to be recovered by the Commissioners And whereas it is suggested there are sundry Sums of Money, due and owing to the first Commissioners nominated for said Towns, from several Takers-up of Lots in said Towns, under the original Laws for laying them out; Be it Enacted, That the present Commissioners and their Successors, or the major Part of them, may by due Course of Law, or in any other legal Manner, in the Name of the said Commissioners, or the major Part of them, take, demand, receive, and recover the same, wherever any Sum of Money, by Virtue of the original Laws for laying out said Towns, shall be found due; which said Commissioners, or the major Part of them, shall apply to the Uses intended by the said original Law for laying out the said Towns, and in no other Manner.

Concerning After-Purchases, &c. And whereas there are several Lots within the Limits of said Towns, and the Out-Bounds of them, untaken up, and that hereafter may be purchased from the Proprietors of said Lands; Be it Enacted, that all After Purchasers shall be deemed to be within said Town, and that such After Purchasers, whether before or after the making of this Act, shall be deemed to be within the said Town; provided their Lots shall be within the Out-Lines of said Town; and have as good Estate in their Lots, as if taken up, improved, and paid for, under the original Laws erecting said Towns.

Improvement made out of water And be it further Enacted by the Authority aforesaid, That all Improvements of what Kind soever, either Wharfs, Houses, or other Buildings, that have, or shall be made out of the Water, or where it

usually flows, as an Encouragement to such Improvers, be for ever deemed the Right, Title, and Inheritance of such Improver or Improvers, their Heirs and Assigns for ever. Session Laws

And be it further Enacted by the Authority aforesaid, That it shall not hereafter be lawful for any Person or Persons whatsoever, to keep or raise any Swine, Sheep, or Geese, within the said Town, unless they be well inclosed in some Lot or Pen. No Swine, Sheep, &c. to be raised in said Town

And whereas there are several very valuable Improvements made in said Towns, by Virtue of the Laws already made, and whereby they were erected into Towns; Be it Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That all Takers-up of Lots, and former and after Purchasers under this or the former Laws, complying with the Requisites directed by such former Laws and this, shall have a sure and indefeasible Estate of Inheritance in Fee-Simple in said Lots taken up by him or them; any Law, Usage, or Custom, to the contrary notwithstanding.

An Act for ascertaining the Allowance of Petit Jurors attending the Provincial Court, and to limit Costs with Respect to Evidences. Chap. XIII

Whereas, the Allowance heretofore made Petit Jurors, attending the Provincial Court, is so small, that the same is not sufficient to maintain such Jury-men during the Time of their Attendance: In order therefore that a reasonable Provision may be made for such, It is humbly prayed that it may be Enacted, Proviso

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the End of this Session of Assembly, as often as any Person or Persons shall be summoned to attend as Petit Jurors, at the Provincial Court of this Province, there shall be allowed to every such Person so summoned, and attending the Provincial Court aforesaid, in lieu and stead of all or any Allowance or Allowances by any former Act or Acts of Assembly of this Province the Sum of sixty Pounds of Tobacco per Day, for every Day any such Petit Juror or Jurors shall attend the Provincial Court aforesaid, in the public Levy of this Province, and be paid in the respective County or Counties where such Juror resides; besides the Sum of one hundred and twenty Pounds of Tobacco to be allowed every full Jury that shall pass their Verdict in any Cause, to be paid by the Party for whom such Verdict shall pass, and be allowed in the Bill of Costs as usual, and no more; any Law, Statute, or Usage, to the contrary in any wise notwithstanding. p. 12

Allowances of Petit Jurors, in the Provincial Court

And whereas it is, and has been a frequent Practice among Parties to Suits, to summon several Witnesses to the Proof of one and the same Matter of Fact in a Cause, and many others who really know nothing of the Fact, and are summoned only to enhance the Regulation as to Number of Witnesses

Session Laws Costs, to the great Burthen and Oppression of the Party, who, by the Judgment of the Court in such Cause, is awarded to pay the Costs of such Suit: For Prevention whereof for the future, Be it Enacted, That in any Bill of Costs, in any Action or Actions to be commenced after the End of this Session of Assembly, there shall not be allowed the Charge of above three Witnesses to the Proof of any one particular Matter of Fact, or any other Witness or Witnesses that shall appear to the Court to have been unnecessarily summoned.

Continuance of this Act This Act to continue for three Years, and to the End of the next Session of Assembly which shall happen after the said three Years.

Chap. XIV An Act for laying out one Acre of Land convenient to Rock-Creek Landing, on Potomack River, on the Land George Gordon now lives on, and for Building a Rolling-House thereon.

Preamble Whereas, it has been represented to this General Assembly, that great quantities of Tobacco from the adjacent and back Parts of Prince-George's County, have been rolled to Rock-Creek Landing, on Potomack River, where for want of a convenient House to shelter the same in, has been often and greatly Damaged, to the Prejudice of the Inhabitants. And whereas the Owners of the Lands contiguous to the Landing aforesaid, have refused to Build such convenient Rolling-House, though often requested by those concerned. To remedy which Evil, and inasmuch as the said Landing is the only convenient one in those Parts; it is humbly prayed that it may be Enacted,

p. 13 And be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority

Owner of the said Land refusing or neglecting to build of the same, That in case the Owner of the Land aforesaid lying at the said Rock-Creek Landing, on Potomack River in Prince-George's County aforesaid, shall not within the space of Eighteen Months after the End of this Session of Assembly, Build one good substantial Brick, Stone, or Framed House, of Seventy Feet long, and Twenty-two Feet wide, in the Clear, and Nine Feet Pitch, well Weather-boarded, if Framed, and tightly covered with Shingles, and under-pinned with Stone and good Mortar, so as to render the same dry, and sufficient to keep safe Tobacco, or other Goods which from Time to Time or at any Times then after the Building aforesaid is compleated, shall be brought to the Landing aforesaid, and required to be there kept or stored, That then and in such case it shall and may be lawful to and for any Person or Persons whatsoever, to apply to the Magistrates of the said County, in Court sitting, and desire that an Entry may be made in his, her, or their Names, of any one Acre of Land situate and lying on the Land aforesaid, for the Building thereon a Rolling-House according to the directions of this Act, and the said Justices are hereby impowered and directed

to cause the Clerk of the County Court aforesaid, to enter the Name of such Person or Persons so requiring the same, and his, her, or their Request as aforesaid; and the said Clerk is hereby Ordered and Directed to make such Entry accordingly.

And be it further Enacted by the Authority aforesaid, That the said Justices shall immediately upon such entry being made, order the said Clerk to make out a Warrant to the Sheriff of Prince-George's County aforesaid, to call to his Assistance the Surveyor of the same County, as also to summon Twelve good and sufficient Freeholders of his County, to meet at Rock-Creek Landing on Potomack River, within a Space in such Warrant to be mentioned, not exceeding Thirty Days after the Date thereof, and cause the said Surveyor to lay out one Acre of Land most suitable and convenient on the Land aforesaid, for Building thereon a Publick Rolling-House, and the said Acre of Land to lay out in a Square, and the same cause to be Marked or Bounded at each Corner with good large Locust Posts let into the Ground at least Two Feet, and Three Feet out; and a Certificate of such Survey to return into the Office of the Clerk of Prince-George's County in Thirty Days after making the same, and the said Clerk for the Time being is hereby obliged to enter the same among the Records of his County.

And be it likewise Enacted by the Authority aforesaid, That the said Sheriff shall and he is hereby obliged to Swear the said Jury, that they shall and will to the best of their Skill and Knowledge value the said one Acre of Land in Current Money of Maryland, for Building thereon a Ware-house, or Rolling-House, for the Public Service of the Neighbourhood, or such as shall make use thereof; and the said Jury so Summoned and Sworn, are hereby obliged and impowered to value the same in Current Money, and such Valuation to certify under their Hands and Seals, mentioning therein of what Tract of Land or Lands the said Acre is Part; which Certificate the said Sheriff is hereby directed and impowered to annex to his Warrant and the Certificate aforesaid, and the same return into the Office of the County Clerk, certifying on the Back of such Warrant the Execution thereof, as herein before directed; which Valuation and Certificate of the Sheriff, the said Clerk is hereby obliged and directed to enter with the Certificate of Survey of the said one Acre, by the said Surveyor so as aforesaid made, in the Records of the County aforesaid.

And be it likewise Enacted by the Authority, Advice, and Consent aforesaid, That the Person or Persons applying and making the Entry as aforesaid, shall, and is hereby obliged to pay unto the Owner or Owners of the said one Acre of Land, the Value which the Jury shall put on the same, in Current Money as aforesaid; and shall, and is hereby obliged, in twelve Months after making the Survey, and valuing the said Acre of Land, as is herein before directed, to

Session Laws

Surveyor &c.
to lay out
the said
Acre of
LandThe Jurors
to be sworn
by the
Sheriff

p. 14

The Acre of
Land to be
valued by
Jurors

Session Laws build one good substantial Rolling-House, or Warehouse, of the same Dimension and Building as is herein before described and directed; as also pay and satisfy unto the Surveyor of the same County the Sum of twenty Shillings Current Money, in Consideration of his Service.

The Rolling House to be kept in repair by the person that built it And be it likewise Enacted, That in case the Person or Persons, so as aforesaid entering and taking up the said Acre of Land, for building a Rolling-House as aforesaid, shall not compleat and finish the same in twelve Months as aforesaid, or when compleat and finished according to the Directions of this Act. shall suffer the same to decay or go out of Repair, so as not to be fully compleat, and kept in sufficient Repair, for the Uses and Purposes by this Act mentioned, meant and intended, that then and in such case the said Acre of Ground shall revert to, and be again the Right and Property of the former Owner or Owners, their Heirs or Assigns; any Thing in this Act herein before mentioned notwithstanding.

Tobacco to be received by the Owner of the said Rolling House And be it likewise Enacted, That when any Tobacco shall be brought into the Rolling-House aforesaid, that the Owner or Owners of such House is, and they are hereby obliged to take the same into his or their Care, and the same carefully to preserve, to be shipped, or otherwise delivered, according to the Direction of the Owner or Owners of such Tobacco.

What is to be paid per Hogshead for Warehouse Room And be it likewise Enacted by the Authority aforesaid, That the Owner or Owners of such Rolling-House, or Warehouse, shall, and they are hereby impowered to receive for every Hogshead of Tobacco delivered into his or their Care, and by them kept, and shipped or delivered as aforesaid out of the House aforesaid, the Sum of twelve Pence Current Money; and if the same shall lie or remain in the said Rolling-House or Warehouse above the Space of three Months, then for every Month more the Sum of Two Pence like Money, for every Hogshead of Tobacco so lying and remaining as aforesaid.

The Land to be vested in the Builder of said House and his Heirs, &c. for ever And be it further Enacted by the Authority aforesaid, That the Entry and Payment of the Consideration affixed on the said Acre of Land by the Jury aforesaid, and the Fees to the Surveyor (herein before directed) and the building the House aforesaid, as herein before directed, and keeping the same in good and sufficient Repair, to and for the Uses herein before directed, shall vest in the Taker-up and Builder of such House, or the Takers-up and Builders, his or their Heirs and Assigns, for ever, a good sufficient Estate of Inheritance in Fee-Simple, of and in the said Acre of Land, to and
p. 15 for the Uses and Purposes herein before mentioned.

And be it likewise Enacted, That the Owner or Owners of the said Acre shall, and he or they are hereby obliged to pay for the Quit-Rent thereof, to the Lord Proprietary, the Sum of one Penny Sterling Money yearly, and every Year.

An Act for the Gauge of Barrels for Pork, Beef, Pitch, Tar, Turpentine, and Tare of Barrels for Flour or Bread. Session Laws Chap. XV

For Prevention of Frauds and Abuses frequently practised by greedy and avaritious Traders in Pork, Beef, Tar, Turpentine, and Pitch, who, for their own private Lucre and Gain, not only make and set up, or cause to be made and set up, small Barrels, and badly made and hooped, but slightly pack and deceitfully fill the same, to the great Prejudice of the Trade of this Province in the said Commodities and Merchandizes; for the Prevention of which ill Practices, it is humbly prayed that it may be Enacted. Preamble
[Continued
by the Acts
of 1750,
Ch. 10; 1753,
Ch. 3; 1757,
Ch. 6; 1760,
Ch. 11; and
1763, Ch.
12]

And be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the first Day of October, which shall be in the Year of our Lord One thousand seven hundred and forty-six, all and every Barrel or Barrels, which shall be set up to put Pork, Beef, Pitch, Tar, or Turpentine, into; and also every Barrel or Barrels, wherein Pork or Beef shall be packed, or wherein Pitch, Tar, or Turpentine, shall be filled, either for Exportation out of, or Sale within this Province, shall be of Size and Gauge to contain at least the Quantity of thirty-one and a half Gallons Wine-Measure; and that the Contents of every Pork Barrel, at Exportation or Sale, shall be at the least two hundred and twenty Pounds of good net Pork, and of every Beef Barrel the like Quantity of good net Beef, well salted and preserved; and that every Tar or Turpentine Barrel shall be filled with good clean merchantable Tar or Turpentine, and every Pitch Barrel with good true-made merchantable Pitch. Gauge of
Barrels as-
certained

And to the End that all and every Barrel or Barrels, to be hereafter made use of for any of the Purposes aforesaid, may from time to time be set up, made, packed and filled, according to the Directions of this Act, Be it Enacted by the Authority aforesaid, That whatsoever Person or Persons shall wittingly or knowingly make or set up, or cause to be made and set up, after the first Day of October, which shall be in the Year of our Lord One thousand seven hundred and forty-six, any Barrel or Barrels for Pork, Beef, Pitch, Tar, or Turpentine, of less Size, Gauge, or Dimensions, than is directed by this Act, all and every such Person or Persons shall, for every such Barrel, forfeit and pay the Sum of two Shillings and six Pence Current Money, to be recovered and applied according to the Directions of this Act herein after mentioned. Penalty on
transgres-
sing therein

And be it further Enacted, by the Authority aforesaid, That whatsoever Person or Persons, from and after the said first Day of October, shall pack Pork or Beef for Sale, in any Barrel or Barrels made and set up contrary to this Act in Size, Gauge, and Dimensions, or shall in any Barrel or Barrels pack less Pork or Beef than p. 16
Penalty on
packing
Pork, &c.
contrary to
this Act

Session Laws this Act requires, that is to say, sufficient to make each Barrel hold out, at Sale or Exportation, the Quantity directed by this Act to be the net Quantity and Contents of a Barrel of Pork or Barrel of Beef, all and every such Person or Persons shall, for every such Barrel, forfeit and pay the Sum of ten Shillings Current Money.

And exposing the same to Sale, &c. And be it further Enacted by the Authority aforesaid, That whatsoever Person or Persons, from and after the first Day of October, which shall be in the Year of our Lord One thousand seven hundred and fortysix, shall barter away, bargain for, or sell, or expose, or offer to Sale, in any Way within this Province, any Pork or Beef, in any Barrel or Barrels made or set up contrary to this Act in Size, Gauge, and Dimensions, or shall barter away, bargain, sell, or expose or offer to Sale, in any Way whatsoever as aforesaid, any Barrel or Barrels of Pork of less net Contents in Pork, or any Barrel or Barrels of Beef of less net Contents in Beef, than this Act directs, all and every such Person or Persons shall, for every such Barrel, forfeit and pay the Sum of ten Shillings Current Money.

And be it further Enacted by the Authority, Advice, and Consent aforesaid, That whatever Person or Persons, from and after the said first Day of October, shall barter away, bargain, or sell, or expose or offer to Sale, in any Way whatsoever, within this Province, any Tar, Turpentine, or Pitch, in any Barrel or Barrels made and set up contrary to this Act in Size, Gauge and Dimensions, or shall barter away, bargain, or sell, or expose to, or offer to Sale, in any Way whatsoever as aforesaid, any Barrel or Barrels of Pitch filled up with other than good true-made merchantable Pitch, or any Barrel or Barrels of Tar or Turpentine filled up with other than good merchantable Tar or Turpentine, shall for every such Barrel of Pitch, not qualified according to the Direction of this Act, forfeit and pay the Sum of five Shillings Current Money; and for every such Barrel of Tar or Turpentine, the Sum of two Shillings and six Pence Current Money.

Of Importing any of the above Commodities in this Province And whereas it often happens that Beef, Pork, Pitch, Tar, and Turpentine, are imported into this Province in Barrels, from other neighbouring Parts: for Prevention of Frauds and Abuses therein, Be it Enacted by the Authority aforesaid, That whatsoever Person or Persons, from and after the said first Day of October, shall import or bring into this Province by Land or Water any Pork, Beef, Tar, Turpentine, or Pitch, in Barrel or Barrels of less Size, Gauge, and Dimensions, than this Act directs; or any Barrel or Barrels of Pork of less net Contents in Pork, or any Barrel or Barrels of Beef of less net Contents in Beef, than this Act directs, or any Barrel or Barrels of Tar or Turpentine filled up with other than good merchantable Tar or Turpentine, or any Barrel or Barrels of Pitch filled with other than good true-made merchantable Pitch, and shall within this Province bargain away, barter, or sell, or expose, or offer to

Sale, in any Way whatsoever, to any Person or Persons whatsoever, such Barrel or Barrels of Beef, Pork, Pitch, Tar, or Turpentine, or any of them, all and every such Person or Persons shall be liable to, and pay the Forfeitures and Penalties in this Act mentioned, for every Barrel bartered away, bargained, or sold, or exposed or offered to sale, contrary to this Act. Session Laws
p. 17

And be it further Enacted by the Authority aforesaid, That any Person or Persons whatsoever within this Province, who shall, after the said first Day of October, pack into any Barrel or Barrels Flour, or into any Barrel or Barrels or other Cask Bread, for Sale, and shall not put on the Bilge of such Barrel or Barrels, Cask or Casks, the just and true Tare of such Barrel or Barrels, Cask or Casks, with Marking Irons, in plain Figures, and shall, without such Marking of the Tare aforesaid on the Bilge of every such Barrel or Barrels, Cask or Casks, expose such Barrel or Barrels of Flour, or Barrel or Barrels, Cask or Casks of Bread, to Sale, without the true Tare of such Barrel or Barrels, Cask or Casks, being marked on the Bilge as aforesaid, shall, for every such Barrel or Cask so exposed to Sale contrary to this Act, forfeit and pay the Sum of five Shillings Current Money. Tare of
Bread and
Flour Casks
to be
marked on
the Bilge of
each Cask

Penalty

And be it further Enacted by the Authority aforesaid, That all or any Action or Actions to be brought, or Complaint made, to a Justice of the Peace, as the Case may require, for any Breach or Breaches of this Act, shall be commenced or made within fifteen Days next after the Offence or Offences committed, or Discovery made of the same, and not after.

And be it further Enacted by the Authority, Advice, and Consent aforesaid, That all the Penalties and Forfeitures in this Act before mentioned, shall and may be recovered with Costs in any County Court of this Province, in the Name of the Lord Proprietary, and the Informer, by Action of Debt, Bill, Plaint, or Information, in which no Essoin, Protection, or Wager of Law, shall be allowed; or before a single Magistrate, as the Case shall require: One Moiety of which Penalties and Forfeitures shall go to the County, to defray the contingent Charges of the said County where the Action is commenced, or Complaint made and determined; the other Moiety to him, her, or them, who shall inform or sue for the same. How to be
recovered
and dis-
posed of

Provided always, and it is the true Intent and Meaning of this Act, that no Person or Persons, bartering, or selling such Barrel or Barrels of Pork, Beef, Pitch, Tar, Turpentine, Flour, or Bread, as aforesaid, in any Manner contrary to this Act, shall be subject or liable to any Forfeiture or Forfeitures in this Act contained, after the same is taken and received out of his or their Possession by the Buyer or Buyers, and unless such Information be made as aforesaid, to some Magistrate, within ten Days next after committing such Offence or Offences. Proviso

Session Laws
Continuance
of this Act This Act to continue for three Years, from the said first Day of October, and unto the End of the next Session of Assembly which shall happen after the said three Yeartrs.

Liber B. L. C.
Chap. VII
p. 323 An Act to Impower and Direct the Clerk of Ann Arundel County Court to enter and record among the said County Records a Deed of Bargain and Sale from W^m Mitchel, Edward Mitchell and Grace his Wife to Mordecai Moore Deceased.

Whereas Samuel Preston Moore Margaret Moore Richard Moore Mordecai Moore Thomas Moore and Charles Moore Grandchildren to Mordecai Moore late of Ann Arundel County Deceased by their humble Petition to this present Generall Assembly have Set forth that their Grandfather Mordecai Moore on the Seventeenth Day of August Seventeen hundred and Eleven for the Consideration of twenty five Pounds Sterling Purchased from a certain William Mitchel Edward Mitchel and Grace his Wife the Moiety of a Tract of Land lying in Ann Arundel County Called Mitchels Chance Containing two hundred and five Acres and on the same Day by Deed of Bargain and Sale had the same Conveyed to him and acknowledged as the Act of Assembly in such Cases Directs but thro' mistake or forgetfulness Neglected to git the said Deed recorded by which means they the said Petitioners to whom the same Land is Devised will Intirely be Devested of their right unless they have relief And fforasmuch as it appears to this present Generall Assembly That the Allegations set forth in the petition af^d are true and that the consideration money for the Land af^d hath been realy and Bona fide paid and Publick Notice given of the Petitioners Intentions to apply to this Assembly for relief in the premisses It is therefore humbly prayed That it may be Enacted And be it Enacted by the Right Honourable the Lord Proprietarie by and with the Advice and consent of his Lordships Governour and the Upper and Lower Houses of Assembly and the Authority of the same that the Clerk of Ann-Arundel County Court af^d for the time being shall and may and he is hereby authorized and required to receive the Deed af^d from the af^d William Mitchel Edward Mitchel and Grace his Wife to Mordecai Moore Deceased into his office and the same to enter on record amongst the records of the same County together with the acknowledgement thereon and that the same Deed being so recorded and entered within Six Months from the end of this present Session of Assembly shall be and is hereby Declared and Enacted to be as Good and Valid in Law to all intents Constructions and Purposes whatsoever as if the same had been recorded according to the Directions of the Act of Assembly in force at the time of perfecting the same the Neglect or Omission af^d or any other matter or thing to the contrary Notwithstanding Saving to his most Sacred Majesty his heirs and Successors the right honourable the Lord Proprietarie

his heirs and Successors and all Bodies Politick and Corporate and all others not mentioned in this Act their Several and respective rights. Liber B. L. C.

An Act to Impower and Direct the Clerk of Charles County to enter and record among the said County Records a Deed of Bargain and Sale from James Connell and Anne his Wife to John Dunbar of a parcel of Land therein mentioned Chap. VIII
p. 324

Whereas Elizabeth Hanson of Charles County Widow by her humble Petition to this Present General Assembly has set forth that a certain James Connell and Anne his Wife of Saint Marys County by Deed bearing Date the twenty Sixth Day of May Anno Domini Seventeen hundred and forty for the Consideration of Six thousand Pounds of Tobacco and five Pounds Current money did Sell and make over unto a certain John Dunbar of the same County his heirs and assigns for ever a Tract or Parcel of Land lying in Charles County Containing one hundred Acres as by said Deed Relation being thereunto had may appear that the said John Dunbar Delivered the Deed af^d to the petitioners husband some Small time before his Death to be recorded which said Deed was by some means mislaid and not found untill the time limited by Act of Assembly for Enroling Conveyances was Expired as appears by the Deposition of John Hanson the youngest to the af^d Deed annexed that the af^d Anne Connell by whose right the af^d Land was held dyed before the finding the Deed af^d by which means the af^d John Dunbar Intirely Lost the Effect of the purchase af^d and that the petitioner did pay to the said John Dunbar the money and Tobacco above mentioned in Consideration of which the said Petitioner prayed Relief and it appearing as well by the Affidavit of the af^d John Hanson that the matter as af^d set forth is true as by a Certificate from the Justices of Charles County that the said Elizabeth Hanson gave Publick Notice of her Intentions to apply to the Assembly for relief in the premisses and that the petitioner had Bona fide paid the Consideration money for the said Land as above mentioned Be it Enacted by the right Honourable the Lord Proprietarie by and with the advice and consent of his Lordships Governour and the upper and Lower Houses of Assembly and the Authority of the same that the Clerk for the time being of Charles County af^d shall and may and is hereby authorized and required to receive the Deed af^d from the af^d James Connell and Anne his wife to John Dunbar and the same to enter on record amongst the records of the same County together with the acknowledgement and affidavit af^d and that the same Deed being so recorded and entered within six months from the end of this present Session of Assembly shall and is hereby Declared and Enacted to be good and Valid and in full force power and Virtue in Law and that the Estate of the same John Dunbar of and in the same one hundred

Liber B.L.C. acres of Land granted or mentioned and Intended by the said Deed to be to him Granted shall and is hereby Invested and confirmed in and to the same John Dunbar as fully and amply to all intents and purposes as if the Deed af^d with the acknowledgement thereof had been recorded within six months after the Date thereof the Neglect or omission of recording the same according to the time limited by the Act of Assembly af^d or any other matter or thing to the Contrary Notwithstanding Saving to his most sacred Majesty his heirs and Successors the right Honourable the Lord Proprietarie his heirs and Successors and all Bodies Politick and Corporate and all others not mentioned in this Act their Several and respective rights.

Chap. X An Act to Enable the Commissary Generall to enter and record
 P. 327 amongst the records of his office the last Will and Testament of Henry Staples Deceased for the purposes therein mentioned.

Whereas Samuel Thomas and Stephen Glanville of Kent County by their humble petition to this Generall Assembly have set forth that they are Interested in and Seized of some Lands lying in the said County which are held by rights Derived from a certain Anne Staples of the same County Deceased and formerly Wife of Henry Staples Deceased which said Henry in or about the year Sixteen hundred and Eighty Six made his last will and Testament and thereby Devised the same Lands to the said Anne and Constituted her thereof Sole Executrix and Deed That the same Will either by Embezzlement or accident is lost neither the original being to be found in the Commissarys Office nor any record thereof in the same That Notwithstanding there is a Copy of the said Will in being Signed and attested by a certain W^m Taylard then register of the Commissarys office annexed to Letters Testamentary granted to the af^d Anne Staples by Henry Darnall and Clement Hill Esquires then Judges for Probate of wills within this Province whereby it appears the Will af^d was proved in common form That unless the Loss thereof was by some means repaired the petitioners would be great Sufferers having paid large considerations for the said Lands Wherefore they humbly pray an Act may pass for Supplying the Loss of the af^d Will and forasmuch as it appears that the Allegations set forth in the said petition are true Be it therefore Enacted by the right Honourable the Lord Proprietarie by and with the advice and consent of his Lordships Governour and the upper and Lower Houses of Assembly and the authority of the same that the Commissary Generall of this Province shall and is hereby required on the request and application of the Petitioners or either of them within three months after the end of this Session of Assembly to enter and record among the records of his office the will of the af^d Henry Staples from the Copy Signed and attested by the af^d William Taylard & that the said record & the Copy of the Will af^d under the hand of the said W^m Taylard

shall Respectively be as good Effectual and Valid in Law to all intents Constructions and purposes Whatsoever as if the original Will of the af^d Henry Staples with the Probat thereof was in being and to be had and as if the same had been in the said office heretofore regularly recorded any Law Statute or Custom to the Contrary Notwithstanding saving to his most Sacred Majesty his heirs and Successors the Right Honourable the Lord Proprietarie his heirs and Successors all Bodies Politick and Corporate and all other persons their Severall and respective rights

Liber B. L. C.

p. 328

An Act for Settlement of Lands therein mentioned on Francis Waring and the heirs of his Body lawfully begotten.

Chap. XI

p. 328

Whereas Colonel Thomas Greenfield of Prince Georges County Deceased by his Deed of Gift bearing date the twelfth Day of February in the year of our Lord Seventeen hundred and fourteen assigned transferred and made over unto Basil Waring and Martha his Wife Daughter of the said Thomas Greenfield and to the heirs of their bodies on the said Martha begotten all that Tract of Land being part of Mazoonscon and part of Addition lying in the County af^d containing two hundred forty and Six Acres as by the said Deed recorded among the records of the County af^d may appear and Whereas the said Basil left Issue by her the said Martha his Wife Thomas and Francis Waring and that the said Martha intending to Provide for the said Francis did by her Deed of Gift bearing Date the thirtieth Day of November Seventeen hundred and thirty three assign transfer and make over the said Lands and premisses unto him the said Francis in fee for his better Support and maintenance who finding his title precarious and uncertain therein Hath by his Petition to this Generall Assembly set forth the premisses, and that his Eldest Brother the af^d Thomas Waring Tenant in Tail is willing and Desireous that the said Lands should be Settled upon him the said Francis Waring and the heirs of his Body and for want of such heirs on the heirs of the said Basil Waring and Martha his Wife according to the af^d Deed of Thomas Greenfield all which and the consent of the af^d Thomas Waring appearing to this Generall Assembly and on fully considering the Case of the Petitioner humbly pray that it may be enacted And be it Enacted by the right Honourable the Lord Proprietary by and with the advice and consent of his Lordships Governour and the Upper and Lower Houses of Assembly and the Authority of the same That the said Tract of Land being part of Maroonscon and part of Addition in Prince Georges County af^d according to the meets and bounds in the said Deed of Gift made by the af^d Thomas Greenfield to Basil Waring and Martha his Wife and the heirs of their bodies on the said Martha begotten or by whatever other ways or means the same is by the said Deed given or granted containing two hundred forty and Six acres of

Liber B. L. C. Land, shall be and is hereby Declared and Enacted to be remain and continue Vested in him the said Francis Waring and the heirs of his body lawfully begotten for ever anything in the Deed of the said Thomas Greenfield to the Contrary Notwithstanding and for want of such heirs to the heirs of the af^d Basil Waring and Martha his Wife Daughter of the said Thomas Greenfield according to the Express words true intent and meaning of the af^d Deed of Gift by him the said Thomas Greenfield to the said Basil Waring and Martha his wife & the heirs of their body Lawfully begotten made and Provided And be it hereby further Declared and Enacted that the said
p. 329 Francis Waring and the heirs of his body Lawfully begotten shall and may from hence forward at all times have hold and enjoy the said Lands and premisses according to the Express words true intent and meaning of this Act saving to his Lordship the Lord Proprietor his heirs and Successors and all Bodies Politick and Corporate and all others Except the heirs of the said Basil Waring and Martha his Wife and of the said Thomas Greenfield their Several and respective rights.

Chap. XII An Act to Direct and Impower the Clerk of Prince Georges County to enter and record among the Records of the said County a Deed of Bargain and Sale from John Nevil William Collier and Thomas Bond to John Boyd of a Tract of Land therein mentioned.

Whereas John Boyd of Prince Georges County by his Petition to this Generall Assembly hath set forth that he is possessed of a Parcell of Land containing one hundred and Sixty Acres being part of a Larger Tract of Land called Turkey Thickett Lying in Prince Georges County af^d which was Conveyed to him by John Nevil William Collier and Thomas Bond by Indenture bearing Date the ninth Day of February in the Year of our Lord one thousand Seven hundred thirty and two and the same Day acknowledged by the said Parties and their Wives before Mess^{rs} Turnor Wootten and William Murdock then Iustices of the said County That he has paid the Consideration money in the said Deed mentioned and that being ignorant in the premisses he has omitted recording the said Deed by which means his Estate in the said Land is rendered precarious and the more so as the parties to the said Deed are in parts unknown to him and has prayed that an Act may pass Impowering the Clerk of Prince Georges County to record the af^d Deed and that such recording may have the same Effect as if done within the Space and Term of six months from the Date of the Deed af^d all which being fully and clearly made appear to this Generall Assembly it is therefore prayed that it may be Enacted And be it Enacted by the right Honourable the Lord Proprietary by and with the advice and consent of his Lordships Governour and the Upper and Lower Houses of Assembly and the authority of the same that the Clerk of Prince Georges

County shall and may and is hereby authorized and required to receive the Deed af^d from the af^d John Nevil William Collier and Tho^s Bond to John Boyd and the same to enter among the Records of the said County together with the Acknowledgement and Receipt thereon and the same Deed being so Recorded within the space of six months from the end of this Session of Assembly shall & is hereby Declared to be good and Valid in Law and that the Estate of the said John Boyd of and in the said Peice of Land Granted mentioned and intended by the said Deed shall and is hereby Invested & Confirmed in and to the said John Boyd his heirs and assigns as fully and amply to all intents and purposes as if the Deed af^d with the acknowledgement thereof had been recorded within six months after the Date thereof. The Neglect of Recording the same according to the time limitted by a former Act of Assembly or any other matter or thing to the Contrary notwithstanding saving to his most Sacred Majesty his heirs and Successors to the right Honourable the Lord Proprietary his heirs and Successors and all Bodies Politick and Corporate and all other persons not mentioned in this Act their Several Respective Rights.

Liber B.L.C.

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PROCEEDINGS

OF THE

GENERAL ASSEMBLY

*At a Session held at Annapolis March 12–March 29, 1745/6.
Being a Convention of the Assembly elected in 1745.*

CHARLES CALVERT, LORD BALTIMORE,
Lord Proprietary.

THOMAS BLADEN,
Governor.

PROCEEDINGS

OF THE UPPER HOUSE OF ASSEMBLY

At a Convention of Assembly begun and held at the City of U. H. J.
Annapolis on Wednesday the 12 day of March in the 31 Year of Liber No. 34
his Lordships Dominion Annoq Dom. 1745 1745/6
March 12
p. 102

Present

His Excellency Thomas Bladen Esq^r Governor

the hoñble	{	Benjamin Tasker Esq ^r	{	Daniel Dulany Esq ^r
		Col ^o George Plater		Col ^o Edward Lloyd
		Edmund Jenings Esq ^r		Benjamin Young Esq ^r
		Col ^o Charles Hammond		Col ^o Benjamin Tasker
		Philip Thomas Esq ^r		

Mess^{rs} Stoughton and Dashiell from the Lower House acquaint his Excellency that there is a sufficient Number of Members met to make a House and wait his Excellencys Commands

Philip Thomas and Daniel Dulany Esq^{rs} are sent to the Lower House to Administer the Oaths to the Government appointed to be taken by Act of Assembly of this Province to the several Members of that House and Ordered that the Clerk of this House attend them, who administred the several Oaths to the several Members then present and they all subscribed the Oath of Abjuration and Test

Col^o Lloyd and Tasker are sent to acquaint the Lower House that his Excellency requires their Attendance in the Upper House immediately.

U. H. J.
Liber No. 34 The Lower House attend and his Excellency orders them to return to their House and make Choice of a Speaker

Mess^{rs} Stoughton and Dashiell from the Lower House acquaint his Excellency their House hath made Choice of a Speaker

Edmund Jenings Esq^r and Col^o Hammond are sent to the Lower House to inform them his Excellency requires their Attendance in the Upper House to present their Speaker for his Approbation

The whole House attend and present Col^o Edward Sprigg as their Speaker with which Choice his Excellency declares himself well pleased whereupon his Excellency makes the following Speech
Gentlemen of the Upper and Lower Houses of Assembly

It is much against my Inclination that I am obliged to meet you at this early season but as the Safety of his Majestys Subjects in this and the Neighbouring Provinces is the Motive I am perswaded You will chearfully submit to some little Inconveniences for the Publick good

In a Letter I have received from M^r Clinton the Governor of New York he represents in strong Terms that the Sollicitations and Arts practised by Our Enemies the French and their Jessuitical Emissaries have rendered the fidelity of the Six Nations of Indians greatly to be suspected and that there is too much Reason to apprehend that they will be seduced and drawn of from Our Alliance unless speedy and proper Methods be taken to prevent it

p. 103 This is the Purport of M^r Clintons Letter and I think it incumbent on me particularly to recommend this Affair to your serious Consideration. It is a matter which as it offers you an Opportunity of shewing Your Care for the Publick Safety so it gives You an Opportunity of Manifesting your Duty and Zeal for his Majestys Person and Service, an Occasion the more gladly to be embraced at this time as We are not Yet informed of the Issue of that unnatural and wicked Rebellion broke out in Great Britain in favour of a Popish Pretender

I cannot help adding those poor Indians have at all times, if We duly Consider their Circumstances a Claim to Our Compassion and Assistance but in our present scituation when their Friendship is of great Importance to us, It would be highly impolitick to leave them to be seduced by our Enemies who will not fail of applying to their Necessities which as they gave us the first Opportunity of relieving I doubt not You will come to such a Resolution as will contribute to secure the Fidelity of these People and disappoint the Schemes of an Enemy ambitious of making all Mankind as mere slaves as themselves

Mr. Clintons Letter will be laid before You

Mess^{rs} Lloyd and Harrison from the Lower House acquaint his Excellency that their House hath made Choice of M^r William

Tilghman for their Clerk and hopes for his Excellencys Approba- U. H. J.
tion, to whom his Excellency is pleased to declare that he approves Liber No. 34
of their Choice

Mess^{rs} Lloyd and Harrison from the Lower House attend with
M^r W^m Tilghman Clerk of the said House in Order to see him
qualified who takes the Oaths to the Government appointed to be
taken by Act of Assembly, and subscribes the Abjuration & Test,
and also takes the usual Oath of Office and then withdrew

Adjourned till to Morrow Morning ten of the Clock

Thursday Morning 13 March 1745

March 13

This House met again according to Adjournment

Present as Yesterday with the addition of Richard Lee Esq^r

Mess^{rs} Smallwood and Wilkinson from the Lower House attend
with M^r John Courts a Member elected for Charles County in
Order to see him qualified who takes the Oaths to the Government
appointed to be taken by Act of Assembly repeats and subscribes
the Abjuration and Test and then withdrew

Adjourned till three of the Clock in the Afternoon

Eodem die post Merediem

This House met again according to Adjournment

Present as in the Morning

Mess^{rs} Dashiell and Purnell attend with Col^o Robert King a Mem-
ber Elected for Somerset County and with Col^o John Henry a
Member elected for Worcester County in Order to see them quali-
fied who takes the Oaths to the Gov^t appointed to be taken by Act
of Assembly repeat and subscribe the Abjuration & Test & then
withdrew

Adjourned till to Morrow Morning ten of the Clock

p. 104

Friday Morning 14 Mar. 1745

March 14

This House met again according to Adjournment

Present as Yesterday

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Benjamin Tasker Esq^r attended by the Members of this House
presents to his Excellency the Address of this House which follows
in these Words

U. H. J. To his Excellency Thomas Bladen Esq^r Governor and Commander
Liber No. 34 in Chief in and over the Province of Maryland

The humble Address of the Upper House of Assembly
May it please Your Excellency

We return You Our hearty Thanks for the Speech you was pleased to make at the Opening of this Assembly, And as we are well satisfied that nothing but the Safety of his Majestys Subjects is the motive of Your Meeting us at this Season, so We assure You of Our Disposition not only now, but at all times, to submit to some Inconveniences for the sake of the Publick Good

We are very sensible of how great Importance It is to Us to preserve the Fidelity and Friendship of the Six Nations of Indians especially under Our present Circumstances; And We assure you that We will chearfully concur in the most proper Measures to prevent and disappoint the designs of Our Enemies, or any of their Jesuitical Emissaries either amongst the Indians or else where

We shall gladly embrace every Occasion of manifesting Our Duty and Zeal for his Majestys Service and Person, and to testify Our Abhorrence and detestation of that Wicked and unnatural Rebellion raised in Great Britain in favour of a Popish Pretender

And as We are fully Convinced that We should be greatly wanting not only in Our Duty to his Majesty and the Publick but in the Care of our own Safety should We leave these Indians under the Temptations which their Necessities may induce them of Yielding to the seducements of Our Enemies so We shall very readily join in everything that may be proper to secure them to Our Interests Which We think Ourselves Obligated to in good Policy as well as Humanity

Benj^a Tasker Pres^t

Adjourned till to Morrow Morning ten of the Clock

March 15 Saturday Morning 15 March 1745

This House met again according to Adjournment

Present as Yesterday

p. 105 A Bill from the Lower House by Mess^{rs} Courts and Tilghman Entituled an Act continuing an Act entituled an Act for the Advancement of Justice thus endorsed

By the Lower House of Assembly 13 March 1745

Read the first time and Ordered to lie on the Table

Signed ʔ Order W^m Tilghman Ct Lo Ho.

By the Lower House of Assembly 15 March 1745

Read the second time and will pass

Signed ʔ Order W^m Tilghman Ct Lo Ho.

Read the first time in this House and Ordered to lie on the Table U. H. J.
Liber No. 34

A Bill from the Lower House entituled An Act continuing an Act entituled an Act for the speedy Recovery of small Debts out of Court before a single Justice of the Peace thus Endorsed

By the Lower House of Assembly 13 March 1745

Read the first Time and Ordered to lie on the Table

Signed p Order W^m Tilghman Cl Lo Ho.

By the Lower House of Assembly 15 March 1745

Read the second time and will pass

Signed p Order W^m Tilghman Cl Lo Ho.

Read the first Time in this House and Ordered to lie on the Table
Adjourned till Monday Morning ten of the Clock

Monday Morning 17 March 1745

March 17

This House met again according to Adjournment

Present

The hoñble	{	Benjamin Tasker Esq ^r	}	Daniel Dulany Esq ^r
		Col ^o George Plater		Col ^o Edward Lloyd
		Edmund Jenings Esq ^r		Benjamin Young Esq ^r
		Col ^o Charles Hammond		Col ^o Benjamin Tasker Esq ^r
		Philip Thomas Esq ^r		Richard Lee Esq ^r

Mess^{rs} Hall and Paca from the Lower House attend with M^r George Buchanan a Member elected for Baltimore County and M^r James John Mackall a Member elected for Calvert County in Order to see them Qualified who take the Oaths to the Government appointed to be taken by Act of Assembly repeat and subscribe the Abjuration and then withdrew

His Excellency is pleased to Communicate his Answer to the Address of this House in the following Words

Gentlemen of the Upper House of Assembly

I thank you for Your Address Your Professions of Duty to our Sovereign and Detestation of that horrid Rebellion now carried on against his Person and Crown are I am perswaded very sincere and as such give me the highest Satisfaction T Bladen

Col^o Plater and Col^o Hammond are sent to the Lower House to acquaint the Speaker that his Excellency requires his Attendance with the Lower House in the Council Chamber p. 106

The Speaker and the Lower House attend and his Excellency is pleased to make the following Speech

U. H. J. Gentlemen of the Upper and Lower Houses of Assembly
Liber No. 34

It was with the greatest Pleasure I observed in your Addresses to me such a Spirit of Duty and Loyalty to his Majesty as I am persuaded can only flow from the hearts of faithful Subjects sensible of the happiness they enjoy under the Administration of a gracious and good Prince. The wicked and unnatural Rebellion carried on against Our Sovereigns Sacred Life & Crown demands from us every Proof We can give of Our Abhorrence of that detestable Enterprize. And I make no doubt you will all willingly concur in a Proposal I shall make You of joyning in an Association Whereby We may manifest Our Principles and declare Our Affections to the Person of Our Sovereign and his Royal Family

This is a Step already taken by most of his Majestys Subjects, who from their Situation have had the Advantage over us, of being more early in giving this Testimony of their Loyalty, We I hope shall do it with no less Chearfulness and sincerity, not induced thereto by Example only but from a grateful Sense of those Blessings We enjoy under his Majestys Auspicious Government and a Detestation of a Popish and Arbitrary Tyranny

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Benjamin Tasker Esq^r attended by the Members of this House presents to his Excellency the Address of this House in the following Words

To his Excellency Thomas Bladen Esq^r Governor and Commander in Chief in and over the Province of Maryland

The humble Address of the Upper House of Assembly
May it please Your Excellency

We return Your Excellency Our most hearty Thanks for Your Speech, Wherein You have been pleased to recommend to us, to enter into an Association, which We assure you We will very readily do and upon every Occasion give all the Proofs in our Power to testify Our Loyalty to his most Sacred Majesty King George the second and Our Detestation of the Wicked and unnatural Rebellion excited by the Artifices of France and Spain in support of the desperate Cause of an Abjured Popish Pretender against his Majestys Person Crown and auspicious Government under which We and all the rest of his Majestys are secured in the Enjoyment of everything worth Possessing or that can be dear to Freemen

Benj^a Tasker Pres^t

Adjourned till to Morrow Morning ten of the Clock

Tuesday Morning 18 March 1745

U. H. J.
Liber No. 34
March 18
p. 107

This House met again according to Adjournment

Present as Yesterday except Col^o Lloyd

A Message from the Lower House by Mess^{rs} Sheredine and Henry

By the Lower House of Assembly 18 March 1745

May it please Your Honours

This House hath appointed Major Sheredine Col^o Henry M^r Stoddard M^r Tilghman and M^r Wootton to join such Members of your House as You shall think proper to Name for that Purpose, in a Committee to inspect the Accounts and Proceedings of the Commissioners for emitting Bills of Credit established by Act of Assembly Signed p Order W^m Tilghman Ct Lo Ho.

Mess^{rs} Ennalls and Hopper from the Lower House attend with M^r Philemon Lecompte a Member elected for Dorchester County in Order to see him qualified who takes the Oaths to the Government appointed to be taken by Act of Assembly repeats and subscribes the Abjuration & Test and then withdrew

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning with the Addition of Samuel Chamberlain Esq^r

A Bill from the Lower House by Mess^{rs} Pearce and Dulany Ent^d an Act continuing an Act Entituled an Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of suits at Law and for continuing the supplementary Act thereto thus endorsed

By the Lower House of Assembly 14 March 1745

Read the first time and Ordered to lie on the Table

Signed p Order W^m Tilghman Ct Lo Ho.

By the Lower House of Assembly 18 March 1745

Read the second time and will pass

Signed p Order W^m Tilghman Ct Lo Ho.

Read the first Time in this House and Ordered to lie on the Table.

Adjourned till to Morrow Morning ten of the Clock

U. H. J.
Liber No. 34
March 19

Wednesday Morning 19 March 1745

This House met again according to Adjournment

Present as Yesterday

The following Message with an Association is sent to the Lower House by Samuel Chamberlain Esq^r and three others

p. 108 By the Upper House of Assembly 19 March 1745
Gentlemen

Agreeable to Our Address and the Address of Your House to the Governor (which his Excellency has been pleased to lay before Us) We have signed an Association Which We now send that it may be also Signed by the several Members of Your House

Signed p Order J Ross Ct Up Ho.

Whereas a most Unnatural Rebellion hath been and as We fear is still carried on in Great Britain in favour of a Popish Pretender, educated in the Bigotry and Superstition of the Church of Rome and trained up in the Arbitrary Principles of the Courts of France and Spain by whose Councils and Supplies his Cause is governed and supported

And Whereas It cannot be doubted but that the French seated on the River Canada in pursuance of the same pernicious Designs will take all Occasions of annoying his Majestys Subjects either by exciting the Indians or making Incursions into this or some other of the Neighbouring Colonies

We whose Names are hereunto subscribed the Governor and the Members of the Upper and Lower Houses of the Assembly of the Province of Maryland at this time Convened being truly sensible of that inestimable Happiness which his Majestys Subjects enjoy in the full and free Possession of their Religion Liberties and Properties under his most sacred Majesty King George the second do hold Ourselves bound by all the Ties of Loyalty and Duty and Gratitude as well to declare Our Abhorrence of this detestable Rebellion as also Our firm and unavoidable Attachment to Our most Gracious Sovereign and his Government But as by Our Distance We cannot hope for an Opportunity of manifesting the sincerity of these our Dutiful Professions by any immediate Service to his sacred Person We therefore do solemnly Promise and hereby engage Ourselves to stand by each other and to the utmost of Our Power and Ability to defend his Majestys Rights his Royal Authority and Gov^t not only against the attempts of his Avowed Enemies but against any wicked Machinations of concealed Traytors to their King and Country

This Engagement We solemnly and willingly enter into to manifest Our Gratitude to the best of Sovereigns Our Love to Our Country and its Liberties and Our Detestation of Popery and Slavish Principles of that superstitious Religion

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

U. H. J.
Liber No. 34

This House met again according to Adjournment

Present as in the Morning

Read the Petition of Daniel Dulany Esq^r Commissary General

A Message from the Lower House with the Association by Mess^{rs}
Buchanan and Tilghman

By the Lower House of Assembly 19 March 1745

May it please Your Honours

Had you thought proper to have consulted with the house of
Delegates upon the form of the Association or sent down the same
to have had the Sentiments of this House before Your signing, It
might have prevented its being returned as it now is unsigned, by
Us for that We do not approve of every Part thereof

However to shew Our Real Disposition We are ready to join in
a Conference with Your Honours for the forming one which may
be agreeable to the different Branches of the Legislature

Signed p Order W^m Tilghman Cl Lo Ho.

Adjourned till to Morrow Morning ten of the Clock

Thursday Morning 20 March 1745

March 20

This House met again according to Adjournment

Present as Yesterday

The following Message sent by Philip Thomas Esq^r

By the Upper House of Assembly 20 March 1745

Gentlemen

We thought the Association sent down to Your House was
couched in such Expressions as not to admit of an Exception and
the manner of sending it might have Expedited the Business with-
out intending the least Disrespect to Your House but as you desire
a Conference on the Subject matter thereof We readily agree to the
same and have accordingly appointed Philip Thomas and Daniel
Dulany Esq^{rs} to confer with such Members as you may think proper
to appoint for that Purpose

Signed p Order J Ross Cl Up Ho.

Mess^{rs} Mackall and Tilghman from the Lower House attend with
M^r Walter Smith a Member elected for Calvert County in Order
to see him qualified who takes the Oaths to the Government ap-
pointed to be taken by Act of Assembly repeats and subscribes the
Abjuration and Test and then withdrew

A Message from the Lower House by Mess^{rs} Hammond and
Tilghman

U. H. J.
Liber No. 34

By the Lower House of Assembly 20 March 1745
May it please Your Honours

This House hath appointed M^r Philip Hammond Col^o King
Doctor Buchanan and M^r Tilghman to join the Members nominated
by your House for drawing up an Association

Signed p Order W^m Tilghman Cl Lo Ho.

Adjourned till three of the Clock in the Afternoon

p. 109

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Mess^{rs} Hynson and Ennalls from the Lower House attend with
M^r Francis Lee a Member elected for Dorchester County in Order
to see him Qualified who takes the Oaths to the Government ap-
pointed to be taken by Act of Assembly repeats and subscribes the
Abjuration and Test and then withdrew

A Bill from the Lower House by Mess^{rs} Wilkinson and Henry
Entit^d an Act continuing an Act of Assembly of this Province Enti-
tuled an Act for the better Relief of poor Debtors thus endorsed

By the Lower House of Assembly 17 March 1745

Read the first time and Ordered to lie on the Table

Signed p Order W^m Tilghman Cl Lo Ho.

By the Lower House of Assembly 20 March 1745

Read the second time and will pass

Signed p Order W^m Tilghman Cl Lo Ho.

Read the first Time in this House and Ordered to lie on the Table

The following Message is sent to the Lower House by Richard
Lee Esq^r

By the Upper House of Assembly 20 March 1745
Gentlemen

This house hath appointed Richard Lee Esq^r to join the Mem-
bers named by your House in a Committee to inspect the Accounts
& Proceedings of the Commissioners of the Paper Currency Office

Signed p Order J Ross Cl Up Ho.

Adjourned till to Morrow Morning ten of the Clock

March 21

Friday Morning 21st March 1745

This House met again according to Adjournment

Present as Yesterday

A Bill from the Lower House by Mess^{rs} Smith and Thomas Ent^d
an Act for the Tryal of all matters of Fact in the several Counties
where they have arisen or shall arise thus Endorsed

By the Lower House of Assembly 14 March 1745
Read the first time and Ordered to lie on the Table
Signed p Order W^m Tilghman Ct Lo Ho.

U. H. J.
Liber No. 34

By the Lower House of Assembly 21 March 1745
Read the second time and will pass
Signed p Order W^m Tilghman Ct Lo Ho.

Read the first time in this House and Ordered to lie on the Table
Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem
This House met again according to Adjournment
Present as in the Morning
Adjourned till to Morrow Morning ten of the Clock

p. 110

Saturday Morning 22^d March 1745
This House met again according to Adjournment

March 22

Present as Yesterday
A Bill from the Lower House by Mess^{rs} Gordon and Ennalls
ent^d An Act for Limitation of Officers fees thus endorsed

By the Lower House of Assembly 17 March 1745
Read the first Time and Ordered to lie on the Table
Signed p Order W^m Tilghman Ct Lo Ho.

By the Lower House of Assembly 22 March 1745
Read the second time and will pass
Signed p Order W^m Tilghman Ct Lo Ho.

Read the first time in this House and Ordered to lie on the Table
At A Conference appointed by the honble the Upper and Lower
Houses of Assembly 20 March 1745

Were Present

The hoñble Philip Thomas Esq ^r	} Of the Upper House
The hoñble Daniel Dulany Esq ^r	
Col ^o Robert King	} Of the Lower House
M ^r Philip Hammond	
Doctor George Buchanan	
M ^r Edward Tilghman	

Who made Choice of the hoñble Philip Thomas Esq^r their Chair-
man and William Wilkins their Clerk

U. H. J. The Conferees of the Lower House offered the Draught of an
 Liber No. 34 Association to those of the Upper House who upon the Perusal
 thereof observed that the Words viz^t being truly sensible of that
 inestimable happiness which his Majestys Subjects enjoy in the
 free and full Possession of their Religion Liberties and Properties
 under his most sacred Majesty King George the second Also the
 Words following Viz. “And Our Detestation of Popery and the
 Slavish Principles of that Superstitious Religion” which were men-
 tioned in an Association signed by the Governor and the Members
 of the Upper House, were omitted, for want thereof They could not
 agree to the Association before offered to their Consideration and
 proposed the incerting the same Words as an Amendment.

Whereupon the Conferees of the Lower House resorted back
 to the Lower House for their sense thereof which having obtained
 returned and delivered the same in the manner following Viz. That
 their House was ready to agree that the Words And Our Detesta-
 tion of Popery and the Slavish Principles of that superstitious Re-
 p. 111 ligion should be added thereto, thinking it a proper Amendment
 they being only casually Omitted, but that they would not agree to
 have the other Words viz^t being truly sensible of that inestimable
 Happiness which his Majestys Subjects enjoy in the full and free
 Possession of their Religion Liberties and Properties under his
 most sacred Majesty King George the second to be made a Part
 of the Association for that being immediately under the Gov^t of
 the Right hoñble the Lord Baltimore the Proprietor of Maryland
 and thereby labouring as they conceive under some Aggrievances by
 means of which they apprehend themselves in some Measure de-
 prived of that free and full Possession of their Civil Rights which
 they acknowledge they should otherwise enjoy from his most Sacred
 Majesty in Common with all other his most faithful Subjects; And
 then proposed to the Conferees of the Upper House the following
 Words viz^t “Being perswaded that nothing under God can so effec-
 tually secure to the People of Great Britain and the Dominions
 thereof the perfect Enjoyment of their Religious and Civil Rights
 as the Continuance of his most Sacred Majesty and his Royal Family
 upon the Throne” to be inserted instead of the Words objected to
 by the Lower House. To which the Conferees of the Upper House
 after taking the Sense of their House, to avoid further Delays or
 Disputes have agreed the Words already mentioned to Wit Our
 Detestation of Popery and the Slavish Principles of that supersti-
 tious Religion being already agreed to be incerted in the Association

Upon which the form of an Association is drawn and annexed
 hereto All which is submitted to the Consideration of both Houses

R King	Edw ^d Tilghman	Daniel Dulany
Geo. Buchanan	Philip Thomas	Philip Hammond

Whereas a most unnatural Rebellion hath been, and as We fear is still carryed on in Great Britain in favour of a Popish Pretender educated in the Bigottry and Superstition of the Church of Rome and trained up in the Arbitrary Principles of the Courts of France and Spain by whose Councils and Supplies his Cause is governed and supported

U. H. J.
Liber No. 34

We the Governor and the Members of the Upper and Lower Houses of Assembly of the Province of Maryland at this time Convened whose Names are hereunto subscribed being fully perswaded that nothing under God can so effectually secure to the People of Great Britain and the Dominions thereof the perfect Enjoyment of their Religious and Civil Rights as the Continuance of his Most Sacred Majesty and his Royal Family on the Throne, do hold Ourselves by all the Ties of Loyalty Duty and Gratitude to declare as well our Abhorrence of this detestable Rebellion as also our firm and inviolable Attachment to Our most Gracious Sovereign King George the second and his Government But as by Our Distance We cannot hope for an Opportunity of manifesting the sincerity of these Our Dutiful Expressions by any immediate Service to his sacred Person, We therefore do solemnly promise and hereby engage Ourselves to stand by each other and to the utmost of Our Power and Ability defend his Majestys Rights his Royal Authority and Government within this Governm^t not only against the open Attempts of his avowed Enemies but against any wicked Attempts of concealed Traytors to their King and Country. This Engagem^t We solemnly and willingly enter into, to manifest Our Gratitude to the best of Sovereigns Our Love to Our Countrey and its Liberties and Our Detestation of Popery and the slavish Principles of that superstitious Religion

Which being Read the House doth Concur therewith.

Read the Petition of several the Freeholders of the Province of Maryland praying a further Allowance may be made them for their Attendance as Jurors at the several Courts of this Province; Rejected

A Bill from the Lower House by Mess^{rs} Sheredine and Henry Ent^d an Act Continuing an Act of Assembly of this Province Ent^d an Act to prevent the ill Practises of Sheriffs in the Collecting and Payment of the County Levys thus endorsed

By the Lower House of Assembly 20 March 1745

Read the first Time and Ordered to lie on the Table

Signed p Order W^m Tilghman Cl Lo Ho.

By the Lower House of Assembly 20 March 1745

Read the second time and will pass

Signed p Order W^m Tilghman Cl Lo Ho.

U. H. J. Read the first time in this House and Ordered to lie on the Table
Liber No. 34 Adjourned till Monday Morning ten of the Clock

March 24 Monday Morning 24 March 1745
This House met again according to Adjournment

Present

the hon ^{ble}	{	Benjamin Tasker Esq ^r	{	Daniel Dulany Esq ^{rr}
		Edmund Jenings Esq ^r		Benjamin Young Esq ^r
		Col ^o Charles Hammond		Col ^o Benjamin Tasker
		Philip Thomas Esq ^r		Richard Lee Esq ^r
		Samuel Chamberlain Esq ^r		

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning with the Addition of Col^o Lloyd

A Message from the Lower House by Col^o King and others with the Association

By the Lower House of Assembly 24 March 1745

May it please Your Honours

We herewith send You two Copies of the Association agreed upon by the Conferees of both Houses which after his Excellency's Approbation We shall be ready to sign in Conjunction with him and Your Honours the One of which Copies We propose to be lodged with the Clerk of this house

p. 113

Signed p Order W^m Tilghman Cl. Lo. Ho.

Which Association being examined with that brought into this House from the Committee of both Houses on Saturday last is approved of by his Excellency and signed by him and the several Members of this House

Daniel Dulany Esq^r and Col^o Tasker are sent to the Lower House to acquaint the Speaker that his Excellency requires his Attendance with the Lower House to sign the Association

The Speaker and the Lower House attend in the Upper House and sign the Association, One Copy whereof was given to the Speaker and the other lodged with the Clerk of this House

Mess^{rs} Key and Richard Gresham attend with M^r John Gresham a Member elected for Kent County in Order to see him qualified, and with M^r Abraham Barnes a Member elected for Saint Marys County, and with M^r Joseph Hall a Member for Calvert County in Order to see them Qualified who take the several Oaths to the

Government appointed to be taken by Act of Assembly repeat and
subscribe the Abjuration & Test and then withdrew

U. H. J.
Liber No. 34

Adjourned till to Morrow Morning ten of the Clock

Tuesday Morning 25 March 1746

March 25

This House met again according to Adjournment

Present as Yesterday except Dan^l Dulany Esq^r

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read the Petition of William Thornton high Sheriff of Anne Arundel County praying that the State of the Publick Goal in Annapolis may be taken into Consideration Referred to the Lower House of Assembly and sent by Col^o Tasker

Read the Petition of John Roberts and Thomas Bond of Baltimore County Planters praying a Satisfaction may be made them for their Trouble in going after several Horse Stealers in Baltimore County they being employed by M^r Gist Ranger of the said County Referred to the Consideration of the Lower House of Assembly and sent by Col^o Lloyd

Adjourned till to Morrow Morning ten of the Clock

Wednesday Morning 26 March 1746

March 26

This House met again according to Adjournment

Present as Yesterday

A Bill from the Lower House by Mess^{rs} Lloyd and Hall Entit^d an Act for raising four Pence Sterling p^p hh^d on all Tobacco to be exported for purchasing Arms and Ammunition for the defence of this Province thus Endorsed

By the Lower House of Assembly 25 March 1746

Read the first Time and Ordered to lie on the Table

Signed p^p Order W^m Tilghman Ct Lo Ho.

p. 114

By the Lower House of Assembly 26 March 1746

Read the second time and will pass

Signed p^p Order W^m Tilghman Ct Lo Ho.

Read the first Time in this House and Ordered to lie on the Table
Adjourned till three of the Clock in the Afternoon

U. H. J.
Liber No. 34

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Bill from the Lower House by Mess^{rs} Henry and Scarburgh
Entituled an Act for erecting a County School in Worcester County
and appointing Visitors for the same thus endorsed

By the Lower House of Assembly 21 March 1745

Read the first Time and Ordered to lie on the Table

Signed p Order W^m Tilghman Ct Lo Ho.

By the Lower House of Assembly 26 March 1746

Read the second time and will pass

Signed p Order W^m Tilghman Ct Lo Ho.

Read the first time in this House and Ordered to lie on the Table
Adjourned till to Morrow Morning ten of the Clock

March 27

Thursday Morning 27 March 1746

This House met again according to Adjournment

Present as Yesterday with the Addition of Col^o Plater
Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning with the Addition of Daniel Dulany
Esq^r

Read the Petition of the Rector Vestrymen and Church Wardens
of Saint Anns Parish in Anne Arundel County praying an Amend-
ment may be made to the Act passed in 1742 Entituled an Act to
enable the Rector Vestrymen and Church Wardens of St Annes
Parish in Anne Arundel County to Lease certain Lotts in the City
of Annapolis in manner and to the uses therein referred to the
Lower House and sent by Samuel Chamberlain Esq^r

Adjourned till to Morrow Morning ten of the Clock

March 28
p. 115

Friday Morning 28 March 1746

This House met again according to Adjournment

Present as in the Morning

Richard Lee Esq^r from a Committee of both Houses to inspect
the Accounts and Proceedings of the Commissioners of the Paper
Currency Office makes the following Report viz.

At A Committee of both Houses of Assembly appointed to inspect the Office and Proceedings of the Commissioners for emitting Bills of Credit as established by Act of Assembly 25 March 1746

U. H. J.
Liber No. 34

Present

The hoñble Richard Lee Esq^r of the Upper House

Major Thomas Sheredine	} of the Lower House of Assembly
Col ^o John Henry	
M ^r John Stoddert	
M ^r Edward Tilghman	
& M ^r Turnor Wootton	

Who make Choice of the hoñble Richard Lee Esq^r their Chairman and Richard Dorsey their Clerk and agree to make the following Report

Your Committee by inspecting the Accounts and Proceedings of the Comm^{rs} for emitting Bills of Credit, do find that there has been paid to them, to the 10th of March Instant of the Money arising for the Duties on Ordinary Licenses Fines and forfeitures mentioned in the Act for raising and issuing Money for maintaining his Majestys Forces to be raised within this Province and for transporting them to the Place of Rendezvous in the West Indies 61..15..0 more than was applyed to the Uses by the said Act directed

Your Committee further Observe that Considerable Ballances are still due from several Sheriffs within this Province on Account of the Money arising from the Ordinary Licenses fines and forfeitures af^d amounting to 1364..3..5½ as by the Accounts hereunto annexed, but from what particular Sheriffs those Ballances are due. Your Committee cannot make appear for want of Accounts stated with them respectively by the Comm^{rs} for emitting Bills of Credit in a distinct Book for that Purpose as required by the Lower House of Assembly last Session

All which is submitted to the Consideration of both Houses this 28 day of March 1746 by

John Stoddart	Edw ^d Tilghman	T. Sheredine
Turnor Wootton	Richard Lee	John Henry

Memorandum Money paid by Thomas Hynson Wright late Sheriff of Queen Anns County since the Closing the Books for Ordinary Licenses

76..00..0

No Lists from Worcester or Calvert County returned by the Clerks for the Year 1745

An Account of Ordinary Licenses granted in the several & respective Counties in the Province of Maryland by Virtue of an Act of Assembly Ent^d an Act for raising and issuing Money for maintaining his Majestys Forces to be raised within this Province and

U.H.J. for transporting them to the Place of Rendezvous in the West
 Liber No. 34 Indies, and of the fines and forfeitures arising thereon according
 to the Lists thereof returned to the Comm^{rs} of the Paper Currency
 Office by the respective Clerks of each County from the Year 1740
 to the Year 1745 inclusive with the Ballances that appear to be due
 from the several Counties on the 10th day of March 1745 when
 the Books of the said Office were Closed

Prince Georges County 164 Licences at £2..10..0	£410..00..00
By John Hepburn 1742 & 1743	147..05.. 0
By John Cooke	102..02.. 0
Commission	20..10.. 0
Ballance	140.. 2.. 6
	410..00.. 0
Anne Arundel County 91 at £2..10..0	227..10.. 0
Ditto 70 at 5	350..00.. 0
	577..10.. 0
By John Darnall 1740	78.. 7.. 6
By Samuel Smith 1742	59.. 7.. 6
By John Darnall 1741	85..10.. 0
Commission	28..17.. 6
Ballance	325.. 7.. 6
	577..10.. 0
Queen Anns County 61 at £2..10..0	152..10.. 0
By Edward Tilghman 1740	19..00..00
By D ^o	26.. 2.. 6
Commission	7..12.. 6
Ballance	99..15..00
	152..10..00
Dorchester County 27 Licenses at £2..10..0	67..10..00
By Thomas Muir 1743	11..17.. 6
Commission	3.. 7.. 6
Ballance	52..15..00
	67..10..00

Somerset County 35 at £2..10..0

87..10..00 U. H. J.
Liber No. 34

By John Handy

26.. 2.. 6

By Ditto 1743

33.. 5.. 6

By John Dennis

14.. 5.. 0

Commission

4.. 7.. 6

Ballance

9.. 9.. 6

87..10.. 0

Worcester County 20 at £2..10..0

50.. 0.. 0

Commission

2..10.. 0

Ballance

47..10.. 0

50.. 0.. 0

Kent County 59 at £2..10..0

147..10.. 0 p. 117

By Daniel Cheston

35..12.. 6

Commission

7.. 7.. 6

Ballance

104..10.. 0

147..10.. 0

Baltimore County 130 at £2..10..0

325.. 0.. 0

By James Rigbye

93.. 8.. 4½

By John Risteau

30..10..00

Commission

16.. 5..00

Ballance

184..16.. 7¼

325.. 0.. 0

Cecil County at £2..10..0

247..10.. 0

By John Thompson

26.. 0.. 2

By ditto

54..12.. 6

Commission

12.. 7.. 6

Ballance

154.. 9..10

247..10.. 0

Calvert County 22 at £2..10..0

55.. 0.. 0

By Gabriel Parker 1741, 1742 & 1743

166..12.. 6

By ditto p Account dated 12 September 1744

9..10.. 0

Commission

2..10.. 0

Ballance

26.. 2.. 6

55.. 0.. 0

U. H. J. Saint Marys County 27 at 2..10..0 Liber No. 34	67..10.. 0
By William Cartwright 1741 & 1742	23..15.. 0
By ditto	9..10.. 0
By Philip Key	9..10.. 0
Commission	3..10.. 0
Ballance	21.. 7.. 6
	67..10.. 0
Charles County 79 at £2..10..0	197..10.. 0
By Richard Tarvin 1741	22..10.. 0
Commission	9.. 7.. 6
Ballance	165.. 2.. 6
	197..10.. 0
Talbot County 31 at £2..10..0	77..10.. 0
By Jeremiah Nicholls	21..17.. 6
By Doctor Porter 1743	19.. 0.. 0
Commission	3..17.. 6
Ballance	32..15.. 0
	77..10.. 0

Read the second time the Bill entituled an Act for raising four Pence Sterling p hhd on all Tobacco to be exported for purchasing Arms and Ammunition for the Defence of the Province and will pass with the following Amendments, Leave out the Words Col^o Edward Sprigg through the Bill, and insert The Treasurers of this Province in the last Line but one of the second Page after the Word appoint, to the Word Province, in the 7th Line of the 3^d Page to be left out, the two Provisoos in the Bill and that Clause relating to the Payment of an Armourer to be Omitted

Signed p Order J Ross Ct Up Ho.
and the following Message is sent by Col^o Hammond with the said Bill

By the Upper House of Assembly 28 March 1746
Gentlemen

We Return You the Bill for raising four Pence Sterling p hhd on all Tobacco to be Exported for purchasing Arms and Ammunition for the Defence of the Province with some Amendments, That part of the Bill which directs the placing the Monies when raised in the hands of Col^o Edward Sprigg instead of the Treasurers as

usual carries so strong an Insinuation against the Conduct of the Governor and Council in the Disposal of the Money formerly raised for Provision of Arms &c^a that We cannot in Justice to Our selves avoid bringing to your Recollection some part of what has formerly passed between the two Houses on that Subject

U. H. J.
Liber No. 34

Your Journals in the Year 1739 will shew that on the first attempt to alter the usual Method of depositing the Money for Provision of Arms, the Upper House called upon the then Lower House "in the most publick manner to Particularize the Treasurers Account upon which the then supposed deficiency arose and when it happened" And the Expectation of having this Point Cleared up has been pressed at several times afterwards by this House

In the Year 1740 a Committee of both Houses carefully inspected all those Accounts but the Lower House has never at any time offered to point out any Sum of Money whatever misapplied by the Governor and Council; and We still repeat Our Challenge that no Sum of Money can be fairly shewn of any Misapplication either by the Governor or Council either before or since the Year 1739, and therefore You cannot think it strange that We should insist on placing the Money as it always was formerly in the hands of the Treasurers

As to the other Amendment We think that Proviso so foreign to the subject matter of the Bill that We cannot conceive the Reason of incerting it, unless to occasion a Miscarriage of the Bill, and especially as your Journals will shew, This Clause has been before tacked to some former Bills of the like Nature and as often rejected by the Upper House

The Bill directs that the Armourer shall be paid in Current Money when no Current Money is to be raised on that or any other Fund which can be applied to such Payment

Signed p Order J Ross Cl Up Ho.

Adjourned till to Morrow Morning ten of the Clock

Saturday Morning 29 Mar. 1746

March 29

This House met again according to Adjournment

Present as Yesterday

Read the Petition of James Mills of the Colony of Virginia praying that an Allowance may be made him in the Journal of Accounts for a Negro Slave of his Name Quod who was Convicted at Prince Georges County Court for a Felony of Death but dyed before his Execution, referred to the Consideration of the Lower House and sent by Richard Lee Esq^r

p. 119

the Speaker and the whole House attend to whom his Excellency makes the following Speech
Gentlemen

As I believe it will be agreeable to most of You to be with Your Families at this Season, I shall now dismiss You, but cannot do it

U. H. J. without taking Notice of the great Inconveniences that arises to the
 Liber No. 34 Country from the want of a Fund that may furnish to the Govern-
 ment such a fund as may be necessary upon an Emergency to be
 given or applied for the Publick Service, This has Occasioned the
 Expence to the Country of this Assembly, which to give One hun-
 dred Pounds to the Indians have expended six times that sum, and
 this I recommend to You to consider the Absurdity of against Our
 next Meeting at which time I hope you will come with such disposi-
 tions to Union Harmony and the Publick Good that We shall con-
 cur in every Measure that may be for the general Happiness and
 Prosperity of the Province

As We have all entered into an Association to Assert Our Loyalty
 and give Testimony of Our Duty and Affection to his Majesty and
 his Royal Family I hope you will take Care in your Several Coun-
 ties to promote the like Loyal Dispositions and discountenance every
 Appearance of Disaffection to Our most Gracious Sovereign

I have with the Advice of his Lordships Council of State thought
 fit to Prorogue this Assembly to the first Tuesday in September next
 and You are to take Notice You are prorogued to that day accord-
 ingly

Thus Ends This Convention of Assembly begun and held at the
 City of Annapolis the 12th Day of March & Ending the 29th Day
 of the same Month in the 31st Year of his Lordships Dominion &
 in the 19th Year of his Majestys Reign Annoq Domini 1746

J Ross Cl.

PROCEEDINGS

THE LOWER HOUSE OF ASSEMBLY

At a Session of Assembly begun and held at the City of Annapolis, on Wednesday the Twelfth Day of March 1745, and in the Thirty-first Year of the Dominion of the Right Honourable Charles, Absolute Lord and Proprietary of the Province of Maryland and Avalon, Lord Baron of Baltimore &c^a His Excellency Thomas Bladen Esq^r being Governor, the following Members appeared in the Lower House of Assembly Viz.

L. H. J.
Liber No. 46
1745/6
March 12
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For St. Mary's County

M^r Philip Key
M^r Zachariah Bond
M^r James Mills

For Cecil County

M^r Benjamin Pearce
M^r Nicholas Hyland
M^r Peter Bayard

For Kent County

M^r Richard Gresham
M^r Matthias Harris

For Baltimore County

Maj. Thomas Sheredine
Col. John Hall
M^r John Paca

For Anne Arundel County

M^r Philip Hammond
D^r Charles Carroll
M^r Thomas Worthington
Maj. Henry Hall

For Prince George's County

Col. Edward Sprigg
M^r Turnor Wootton
Capt. John Addison
M^r John Stoddert

For Charles County

M^r Bayne Smallwood
M^r Richard Harrison

For the City of Annapolis

Capt. Robert Gordon
M^r Walter Dulany

For Somerset County

W^m Stoughton Esq^r
Col. George Dashiell
M^r John Dennis

For Queen Anne's County

M^r Thomas Hammond
Capt. W^m Hopper
Capt. Edward Tilghman

For Talbot County

M^r Robert Lloyd
M^r William Thomas
M^r John Goldsborough

For Worcester County

Capt. John Purnell
M^r Thomas Robins
Col. John Scarborough

For Dorchester County

Col. Henry Hooper
Capt. Bartholomew Ennalls

L. H. J. A sufficient number of Members to compose a Lower House of
 Liber No. 46 Assembly being met at the Stadt House, M^r Stoughton and Col.
 p. 546 Dashiell are desired to acquaint his Excellency therewith.

Daniel Dulany and Philip Thomas Esquires, of the Upper House, with M^r John Ross Clerk, came into the Lower House, in whose Presence the aforesaid members took the several Oaths to the Government required by Law, signed the Oath of Abjuration, and repeated and signed the Test.

Col. Lloyd and Col. Tasker from the Upper House, acquaint the members of this House, that the Governor required their Attendance in the Upper House: The Members of the Lower House went to the Upper House; his Excellency required them to return and make choice of a Speaker. They returned, and unanimously made choice of Col. Edward Sprigg, a Representative of Prince George's County to be their Speaker, and placed him in the Chair. M^r Stoughton and Col. Dashiell are sent to acquaint his Excellency, that the House had made choice of a Speaker.

Edmund Jennings Esq. and Col. Hammond from the Upper House acquaint the Members of this House, that the Governor required their Attendance in the Upper House, in order to present their Speaker. The Members of the Lower House went to the Upper House, and presented Col. Edward Sprigg to the Governor as their Speaker: His Excellency was pleased to give his Approbation of their Choice, and then made the following Speech. (See page 232.)

The Members return to their House, and M^r Speaker resumes the Chair

p. 547 They make choice of M^r William Tilghman to be their Clerk, and M^r Lloyd and M^r Harrison are ordered to acquaint his Excellency therewith, and to desire his Approbation: They return and acquaint M^r Speaker they delivered their Message; and that the Governor was pleased to approve of their Choice of a Clerk.

The same Gentlemen are sent, with M^r Tilghman, to the Upper House, to see him qualified. They return, and acquaint M^r Speaker they saw him qualified by taking the several Oaths to the Government signing the Oath of Abjuration, repeating and signing the Test, and taking the usual Oath of Office.

M^r Speaker communicates to the House the Letter from Governor Clinton of New York, mentioned in his Excellency's Speech; which was ordered to be read, and is as follows; (See Appendix.)

The House appoints M^r Thomas Iobson Serjeant at Arms, and M^r Thomas Sparrow Door Keeper and Capt Gordon is ordered to administer to them the several Oaths to the Government, and Oath of Office.

The House proceeds to appoint the following Committee Viz.

M^r Stoughton, D^r Carroll, M^r Philip Hammond, M^r Lloyd, Col. Hooper, Maj. Hall, M^r Harris and M^r Key a Committee of Laws.

M^r Worthington, M^r Smallwood, M^r John Goldsborough, Capt. Ennalls, & Col. Dashiell, a Committee of Elections and Privileges.

D^r Carroll, M^r Richard Gresham, M^r Paca, Col. Hooper, M^r Stodert, and M^r John Goldsborough, a Committee of Aggrievances and Courts of Justice.

M^r Wootton, Maj. Sheredine, M^r Worthington, and Col. Dashiell, a Committee of Accounts.

M^r Wootton, Maj. Hall, M^r Thomas, Col. Hooper and M^r Addison, a Committee to inspect the State and Condition of the Arms and Ammunition, and Accounts relating thereto.

Ordered, that the Committee of Laws prepare an Address to the Governor, in Answer to his Speech.

Capt. Gordon acquaints M^r Speaker, that he had administered the Oaths to the Government to M^r Thomas Iobson and M^r Thomas Sparrow; that they had signed the Oath of Abjuration, repeated and signed the Test, and taken the usual Oath of Office

M^r Philip Hammond, from the Committee of Laws, acquaints M^r Speaker, that the Committee had made choice of M^r Vachel Denton to be their Clerk: The House approves the Choice.

Col. Hooper from the Committee of Aggrievances &^a acquaints M^r Speaker, that the Committee had made choice of M^r William Wilkins to be their Clerk: The House approves the Choice.

Col. Dashiell from the Committee of Accounts acquaints M^r Speaker, that the Committee had made choice of M^r Richard Dorsey for their Clerk: The House approves the Choice.

Capt. Gordon is ordered to qualify M^r Denton, M^r Wilkins, and M^r Dorsey.

Resolved, That the Hours of sitting, this Session, be from Nine to Twelve in the Morning and from Two to Five in the Afternoon.

Capt. Gordon acquaints M^r Speaker, that he had administered the several Oaths to the Government to M^r Denton, M^r Wilkins, and M^r Dorsey; that they had signed the Oath of Abjuration, repeated and signed the Test, and had taken the usual Oath of Office.

Ordered, that M^r Worthington acquaint the Rev. M^r Gordon, that he is desired by this House to read Divine Service, at the Hours of Eight in the Morning, and Five in the Evening, during this Session.

The House adjourns 'til To-morrow Morning 9 of the Clock

Thursday Morning March 13. 1745

March 13

The House met according to Adjournment, and the Proceedings of Yesterday were read.

L. H. J. The House approved the following Rules, and ordered that they
 Liber No. 46 be observed this Session

p. 549 1. That no Member of this House shall use any reviling Speeches, or name any Member by his proper name, otherwise than for Distinction's Sake, but shall rather use some other Signification, as, the Gentleman that spoke last, or the like.

2. That no member speak above once at the reading of any Bill or Debate, without License of the Speaker and the House, and if two Persons, or more, shall rise up together, the Speaker shall appoint who shall speak first, and no member shall interrupt any other until the Gentleman speaking hath ended.

3. That none shall deliver his Opinion, or speak to any Bill or Debate, unless he shall stand up, and reverently direct his Speech to the Speaker.

4. That every Bill proposed to the House shall be read two several Days before it is sent to the Upper House, and once after, before it be ingrossed; and that between every Reading one Day shall be intermitted, and that in that Time the Bill be laid on the Table for the Perusal of all the members; unless on very urgent Occasions, Mr Speaker, with the Consent of the House shall dispense therewith, and then one Bill being read twice at one Sitting, shall be as sufficient as if read several Days, when so entered in the Clerk's Journal.

5. That no Person shall come into the House of Assembly, whilst the same is sitting, with Sword or other Weapon, upon Penalty of such Fine as shall be imposed on them by the Speaker, not exceeding five Shillings for any Offence.

6. That if any Member bound to attend this Assembly, shall be absent at the Hours and Place appointed, after the Number of Twelve of the Members with the Speaker are met, according to the Order for Sitting, shall be fined according to the Discretion of the Speaker, not exceeding five shillings for any Offence; unless upon such lawful Excuse as the Speaker shall admit of.

7. All misdemeanors which shall happen in the House, shall be censured and fined in the House.

8. That no Bill shall be read at any Time during this Session, 'til all the Members in Town be called in, except on some Excuse to be admitted by the Speaker.

The following Resolves ordered to be entered on the Journal as the Resolves of this House

Resolved by the House, That the members who are appointed as members of the Committee of Aggrievances, have likewise the Character of Committee for Courts of Justice, and that Character, and the Duty of such Committee of Aggrievances, as a standing Part of their Duty.

And that it be an Instruction to the said Committee, as a Committee of Courts of Justice, that they observe the nature of all the Commissions to the several Courts of Judicature within this Province, and that they especially observe any Alterations that may at any Time happen, by accidental Omission, or otherwise, therein; and particularly relating to such Words therein, as require the several Judges and Justices to Hear, Try, and Determine, according to the Laws, Statutes, Ordinances, and reasonable Customs of England and of this Province, or to such other Words as have relation thereto, and that they shall immediately make report to the House, of any Alteration that shall at any Time happen in such Commission, and likewise to have regard as near as may be, to observe wherein they differ from the Forms of the several Sorts of Commissions to the Judges and Justices in England

L. H. J.
Liber No. 46

Likewise Resolved, That it be an Instruction to the said Committee to inspect the Form of the Oaths of Office, that have been, and now are usually taken by the several Magistrates; and that in case the following Clause be not inserted in the said Oaths, it be reported to the House, such Clause being agreeable to the Oath taken by the Judges in England, and resolved to be necessary here, viz.

To do equal Law and Right to all the Kings Subjects, rich and poor, and not to delay any Person of common Right for the Letters of the King, the Lord Proprietary, or of any others or for any other Cause; but if any such Letters come to them, they shall proceed to do the Law, the same Letters notwithstanding. p. 550

And that a Copy of these Resolves be made and given to the said Committee, when they first go out every Sessions, and that making and giving such Copies be the undoubted Duty of the Clerk of this House, and within the Purview of his Oath.

Resolved also, That this Province is not under the Circumstances of a Conquered Country, that if it were, the present Christian Inhabitants thereof would be in the Circumstances, not of the Conquered, but of the Conqueror, it being a Colony of the English Nation, encouraged by the Crown to transplant themselves hither, for the sake of improving and enlarging it's Dominions; which by the Blessing of God upon their Endeavours, at their own Expence and Labour, has been in great measure obtained: And 'tis unanimously Resolved, that whoever shall advance, that his Majesty's Subjects by such their Endeavours and Success have forfeited any Part of their English Liberties, are not well Wishers to the Country, and mistake it's happy Constitution.

Resolved also, That if there be any Pretence of Conquest, it can be only supposed against the native Indian Infidels, which Supposition cannot be admitted, because the Christian Inhabitants purchased

L. H. J. great Part of the Land they at first took up from the Indians, as well
 Liber No. 46 as from the Lord Proprietary, and have ever since continued in an
 amicable Course of Trade with them, except some partial Outrages
 and Skirmishes, which never amounted to a general War, much less
 to a general Conquest; the Indians yet enjoying their Rights and
 Privileges of Treaties and Trade with the English, of whom we yet
 frequently purchase their Rights of such Lands as we take up, as
 well as of the Lord Proprietary.

Resolved further, That this Province hath always hitherto had
 the Common Law, and such general Statutes of England as are
 securitative of the Rights and Liberties of the Subject; and such
 Acts of Assembly as were made in the Province to suit it's particular
 Constitution, as the Rule and standard of it's Government and Judi-
 cature; such Statutes and Acts of Assembly being subject to the like
 Rules of Common Law or equitable Construction, as are used by the
 Judges in construing Statutes in England: Which happy Rules
 have, by his Majesty, and his Royal Ancestors, and also by his Lord-
 ship and his noble Ancestors, or some of them, been hitherto ap-
 proved, by having the Commissions of Iudicature to include Direc-
 tions of that Nature to the several Iudicial Magistrates; unless those
 Words have at any Time been casually or carelessly omitted by the
 officers in this Province, that drew such Commissions.

Mr John Courts and Mr William Wilkinson, two returned mem-
 bers for Charles County, appear in the House.

On motion of a member for Leave to bring in a Bill for the Tryal
 of all matters of Fact in the several Counties where they have arisen
 or shall arise; Leave is given, and Ordered, that the Committee of
 Laws prepare and bring in a Bill accordingly

Mr Philip Hammond, from the Committee of Laws, delivers Mr
 Speaker the following Lists of Laws which are to expire at the End
 of this present Session, viz.

p. 551 An Act for the speedy Recovery of small Debts, out of Court,
 before a single Justice of the Peace.

An Act reviving An Act entituled, An Act for relieving the In-
 habitants of this Province from some Aggrievances, in the Prosecu-
 tion of Suits at Law, and for reviving and continuing the supple-
 mentary Act thereto.

An Act for the Advancement of Justice.

An Act reviving an Act entituled, An Act for the better Relief
 of poor Debtors.

An Act to prevent the ill Practices of Sheriffs, in the collecting
 and Payment of the publick and County Levies.

Which being read, Ordered, that the Committee of Laws prepare and bring in Bills to continue the said Laws.

L. H. J.
Liber No. 46

M^r Smallwood and M^r Harrison are sent to the Upper House with M^r Courts and M^r Wilkinson to see them qualified: They return and acquaint M^r Speaker they saw them qualified in the usual manner

The Gentlemen take their Seats in the House.

The House adjourns 'til 2 of the Clock.

Post Meridiem

The House met according to Adjournment

Col. King, a returned Member for Somerset County, and Col. Henry, a returned Member for Worcester County, appear in the House

M^r Worthington acquaints M^r Speaker, that the Rev. M^r Gordon will comply with the Request of this House to read Divine Service.

Col. Dashiel and M^r Purnell are sent to the Upper House with Col. King and Col. Henry, to see them qualified: They return and acquaint M^r Speaker, they saw them qualified in the usual Manner.

The Gentlemen take their Seats in the House.

D^r Carroll, from the Committee of Laws, delivers M^r Speaker a Bill entituled, An Act continuing an Act entituled, An Act for the Advancement of Justice And, A Bill entituled, An Act continuing an Act entituled, An Act for the speedy Recovery of small Debts, out of Court, before a single Iustice of the Peace.

Which Bills were read the first Time, and ordered to lie on the Table.

The House adjourns 'til To-morrow Morning 9 of the Clock.

Friday Morning, March 14. 1745

March 14

The House met according to Adjournment, and the Proceedings of yesterday were read.

On motion of a Member, Leave is given to bring in a Bill for Limitation of Officer's Fees; and Ordered, that the Committee of Laws prepare and bring in the same.

Col. King added to the Committee of Accounts.

M^r Hammond, from the Committee of Laws, delivers M^r Speaker an Address to the Governor, on his Speech, which was read, approved of, and ordered to be ingrossed.

The House adjourns 'til 2 of the Clock.

L. H. J.
Liber No. 46

Post Meridiem

The House met according to Adjournment.

The following Ingrossed Address to the Governor being read
p. 552 and assented to, was ordered, on Behalf of the House, to be signed
by the Honourable Speaker viz.

To his Excellency Thomas Bladen Esq^r Governor of Maryland;

The humble Address of the House of Delegates of the said
Province.

May it please your Excellency,

We his Majesty's most dutiful and loyal Subjects, the Delegates
of the Freemen of the Province aforesaid, in Assembly convened,
take leave to assure your Excellency, that we would chearfully, and
with Pleasure, undergo far greater Inconveniencies for the publick
Good, and Safety of our Fellow Subjects, than we conceive will
arise from your calling us together at this early Season.

The Purport and subject matter of Governor Clinton's Letter,
which you have been pleased to lay before us, shall be duly con-
sidered; and we will endeavour to come to such a Resolution there-
upon, as may be consistent with Prudence and good Policy.

Words cannot express our Detestation and Abhorrence of that
wicked and unnatural Rebellion which is broke out in Great Britain,
in favour of a Popish Pretender: And such is our unshaken Fidelity,
and invariable Attachment to our most gracious Sovereign, that we
are ready to sacrifice our Lives and Fortunes in Defence of his Per-
son and Government; nor can we owe less to so good and gracious a
King, who, through the whole Course of his Reign, has made the
Ease and Happiness of his People the great End of all his Actions.

M^r Lloyd and M^r Harris are sent to acquaint his Excellency, that
this House hath prepared an Address to him, and desires to know
when and where he will be pleased to receive it: They return and
acquaint M^r Speaker, his Excellency will be ready to receive it in
half an Hour, in the Conference Chamber.

Resolved, That the Subject matter of the Letter from Governor
Clinton, of New York, mentioned in his Excellency's Speech, be
taken into Consideration on Tuesday morning next.

Col. Hooper, from the Committee to inspect the State and Condi-
tion of the Arms and Ammunition &^a acquaints M^r Speaker, that
the Committee had made choice of M^r Thomas Jennings for their
Clerk: The House approves the Choice.

Maj. Hall is ordered to qualify M^r Jennings

William Stoughton Esq^r with eleven others, sent to present the
Address to the Governor: They return and acquaint M^r Speaker,
they presented the Address.

M^r Key from the Committee of Laws, delivers M^r Speaker a Bill L. H. J.
entituled, An Act for the Tryal of all matters of Fact in the several Liber No. 46
Counties where they have arisen or shall arise; which was read the
first Time, and ordered to lie on the Table.

Maj. Hall acquaints M^r Speaker that he had qualified M^r Jennings, Clerk to the Committee appointed to inspect the State and Condition of the Arms &^a in the usual Manner.

Col. Hooper from the Committee of Laws delivers M^r Speaker a Bill entituled,

An Act continuing an Act entituled, An Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law, and for continuing the supplementary Act thereto; which Bill was read the first Time, and ordered to lie on the Table.

The House adjourns 'til To-morrow Morning 9 of the Clock.

Saturday Morning, March 15. 1745

March 15
P. 553

The House met according to Adjournment, and the Proceedings of Yesterday were read.

The Bill entituled, An Act continuing an Act entituled, An Act for the Advancement of Iustice was read the second Time, passed, and sent to the Upper House by M^r Courts and M^r Tilghman.

The Bill entituled, An Act continuing an Act entituled, An Act for the speedy Recovery of small Debts, out of Court, before a single Justice of the Peace, was read the second Time, passed, and sent to the Upper House by M^r Tilghman and M^r Bayard.

M^r Hammond from the Committee of Laws delivers M^r Speaker a Bill entituled, An Act for Limitation of Officers Fees.

On Motion of a Member Leave is given to bring in a Bill for erecting a Publick School in Worcester County.

M^r Speaker communicates to the House the following Message from the Governor, in answer to their Address on his Speech
Gentlemen of the Lower House of Assembly.

Your Address gives me much Satisfaction, as I find in it a strong Sense of Duty and Zeal for the Person and Dignity of our most gracious Sovereign; and an Abhorrence of that wicked and detestable Rebellion carried on by the avowed Enemies of Liberty and our happy Constitution. I make no Question but you will give M^r Clinton's Letter a proper Consideration. T. Bladen

The House adjourns til Monday Morning 9 of the Clock.

L. H. J.
Liber No. 46
March 17

Monday Morning March 17. 1745

The House met according to Adjournment, and the Proceedings of Saturday were read.

All Members present as on Saturday, except M^r Richard Gresham M^r Mackall, a returned Member for Calvert County, and D^r Buchanan, a member returned for Baltimore County, appear in the House.

Col. Hall and M^r Paca are sent with them to the Upper House, to see them qualified: They return and acquaint M^r Speaker they saw them qualified in the usual Manner. The Gentlemen take their Seats in the House.

Col. Plater and Col. Hammond from the Upper House, acquaint M^r Speaker and the members of this House, that the Governor requires their immediate Attendance in the Upper House

M^r Speaker, attended by the rest of the Members, went to the Upper House, where his Excellency made the following Speech, (See page 236.)

p 554 M^r Speaker and the Members return to their House, and M^r Speaker resumes the Chair.

His Excellency's Speech being read, Ordered, That the Committee of Laws prepare an Address in answer thereto.

On Motion of a Member Leave is given to bring in a Bill for the easier and better securing the Estates of Debtors absconding, and of Persons Bankrupt, for the use of their Creditors, and equal Distribution of the same; and Ordered, that the Committee of Laws prepare and bring in the same

The House adjourns 'til 2 of the Clock.

Post Meridiem

The House met according to Adjournment.

A Bill entituled, An Act for Limitation of Officers Fees, was read the first Time, and ordered to lie on the Table.

M^r Hammond from the Committee of Laws delivers M^r Speaker a Bill entituled An Act continuing an Act entituled, An Act for the better Relief of poor Debtors; which was read the first Time, and ordered to lie on the Table.

The House adjourns 'til To-morrow Morning 9 of the Clock.

March 18

Tuesday Morning March 18. 1745

The House met according to Adjournment, and the Proceedings of Yesterday were read.

M^r Richard Gresham appears in the House

M^r Sheredine, Col Henry, M^r Stoddert, M^r Tilghman and M^r Wootton, appointed a Committee to inspect the Accounts and Proceedings of the Commissioners for emitting Bills of Credit established by Act of Assembly. L. H. J.
Liber No. 46

M^r Hammond from the Committee of Laws delivers M^r Speaker an Address to his Excellency, which was read, approved of, and ordered to be ingrossed.

The following Message was sent to the Upper House by Maj. Sheredine and Col. Henry. (See page 237.)

M^r Lecompte, a returned Member for Dorchester County, appears in the House.

Capt. Ennalls, and Capt. Hopper are sent to the Upper House with M^r Lecompte, to see him qualified: They return and acquaint M^r Speaker they saw him qualified in the usual manner. The Gentleman takes his Seat in the House.

The House taking into Consideration the Letter from Governor Clinton, mentioned in his Excellency's Speech at the Opening of this Session. Resolved, That this House will address his Excellency on the Subject thereof; and Ordered, that the Committee of Laws prepare and bring in an Address accordingly. p. 555

The House adjourns 'til 2 of the Clock

Post Meridiem

The House met according to Adjournment

The Bill entituled, An Act continuing an Act entituled, An Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law, and for continuing the supplementary Act thereto; was read the second Time, passed, and sent to the Upper House, by M^r Pearce and M^r Dulany.

The following Ingrossed Address to his Excellency being read and assented to, was ordered, on Behalf of the House, to be signed by the Honourable Speaker, viz.

To his Excellency Thomas Bladen Esq Governor of Maryland.

The humble Address of the House of Delegates.

May it please Your Excellency,

As we have already, in our Address to your Excellency, strongly expressed our Loyalty and firm Attachment to his Majestys Person and Government, and our Abhorrence of that detestable and unnatural Rebellion, broke out, and now carrying on in the Heart of his British Dominions; so to give all possible Testimony of our Sincerity, and further to manifest our Principles, and declare our unfeigned Affections, we are ready to unite and join in an Association, for the Defence of our most gracious Sovereign and his august Family; since from their Continuance upon the Throne, we can only expect to enjoy the Blessings and Happiness of a free People.

L. H. J. Col. Hooper and Maj. Hall ordered to acquaint his Excellency,
 Liber No. 46 that this House hath prepared an Address to him, and desires to know when and where he will be pleased to receive it: They return and acquaint M^r Speaker his Excellency will be ready to receive it in half an Hour, in the Council Chamber

M^r Courts, with six others, sent to present the Address: They return and acquaint M^r Speaker they have presented it.

D^r Buchanan added to the Committee of Accounts.

On a further Consideration of Governor Clinton's Letter, the Question was put, Whether this House will give money to the Indians on the Subject of that Letter? Resolved in the Affirmative.

For the Affirmative

M ^r Key	M ^r King	M ^r Dulany
Bond	Dashiel	T. Hammond
Mills	Dennis	Henry
R. Gresham	Thomas	Purnell
Harris	Hooper	Robins
Hen. Hall	Bayard	Scarborough
Courts	Paca	
Stoughton	Gordon	

For the Negative

M ^r P. Hammond	M ^r Lloyd	M ^r Buchanan
Carroll	I. Goldsborough	Wootton
Worthington	Ennalls	Addison
Mackall	Lecompte	Stoddert
Smallwood	Pearce	Hopper
Harrison	Hyland	Tilghman
Wilkinson	Sheredine	

Resolved likewise, That the Sum to be given be £100 Sterling, to be taken out of the Fund heretofore raised for purchasing Arms and Ammunition.

The House adjourns 'til To-Morrow Morning 9 of the Clock.

Wednesday Morning March 19. 1745.

March 19
 p. 556

The House met according to Adjournment, and the Proceedings of Yesterday were read.

On Motion of a Member, Leave is given to bring in a Bill for raising Money to be applied towards purchasing Arms and Ammunition, for the better Defence of the Province; and Ordered, that the Committee of Laws prepare and bring in the same.

M^r Harris from the Committee of Laws delivers M^r Speaker an Address to his Excellency, which was read, approved of, and ordered to be ingrossed. L. H. J.
Liber No. 46

The following Ingrossed Address to his Excellency being read and Assented to, was ordered on Behalf of the House, to be signed by the Honourable Speaker viz.

To his Excellency Thomas Bladen Esq Governor of Maryland.

The humble Address of the House of Delegates.

May it please Your Excellency.

We having taken Governor Clinton's Letter, communicated by your Excellency, relating to the Indians into our Consideration, do think proper that one Hundred Pounds Sterling be taken out of the money already raised for Arms and Ammunition, and remitted by Your Excellency to the Governor of New York, to be applied in the manner which you shall think most effectual to preserve the Fidelity of those People, should they really be in a wavering Disposition: And this we are induced to from our sincere Attachment to his sacred Majesty, the peculiar Circumstances attending the present Juncture, and from a Confidence that it will not be in any future Time brought or urged as a Precedent.

Maj. Hall and M^r Harris ordered to acquaint his Excellency, that this House hath prepared an Address to him, and desires to know when and where he will be pleased to receive it: They return and acquaint M^r Speaker his Excellency will receive it immediately in the Council Chamber.

The same Gentlemen sent to present the Address: They return and acquaint M^r Speaker they have presented it.

Samuel Chamberlaine Esq, Philip Thomas Esq^r Col. Tasker, and Richard Lee Esq. deliver M^r Speaker the following Message from his Excellency, Viz.

Gentlemen of the Lower House of Assembly,

Your Address, expressing your Chearfulness to join in an Association with myself and the Upper House, gives me a very real Satisfaction; and I have accordingly signed the Association, which is now sent by the Upper House to your House. T. Bladen

And the following Message from the Upper House, viz.

With an Association, which was read, and ordered to lie for the Perusal of the Members.

The House adjourns 'til 2 of the Clock.

Post Meridiem

P. 557

The House met according to Adjournment.

Upon considering the Association sent down from the Upper House by Samuel Chamberlaine Esq, and others, Resolved, That

L. H. J.
Liber No. 46 this House will address his Excellency in relation thereto; and Ordered, that the Committee of Laws prepare and bring in an Address accordingly.

Daniel Dulany Esq, from the Upper House delivers M^r Speaker the following Representation. Indorsed. (See Appendix.)

M^r Hammond from the Committee of Laws delivers M^r Speaker an Address to the Governor, which was read, approved of, and ordered to be ingrossed.

The following Message, with the Association, was sent to the Upper House by D^r Buchanan and M^r Tilghman. (See page 239.)

The following Ingrossed Address to his Excellency being read and assented to, was ordered, on Behalf of the House, to be signed by the Honourable Speaker, viz.

To his Excellency Thomas Bladen Esq Governor of Maryland.

The humble Address of the House of Delegates.

May it please Your Excellency,

p. 558 We can with great Sincerity assure your Excellency, that you could not have more Satisfaction from our Readiness to join in an Association, than we had in making that Declaration. But as the Form of that signed by your Excellency, and sent down to our House, was such, that we could not unanimously come into; we have returned it back to the Upper House unsigned, and proposed a Conference with the Members thereof, for the Drawing of such an one as may be equally agreeable to the several Branches of the Legislature.

M^r Key and M^r Stoddert ordered to acquaint his Excellency, that this House hath prepared an Address to him, and desires to know, when and where he will be pleased to receive it. They return and acquaint M^r Speaker, his Excellency will be ready immediately to receive it in the Council Chamber.

M^r Key, with four others, sent to present the Address: They return and acquaint M^r Speaker they have presented it.

The House adjourns 'til To-Morrow Morning 9 of the Clock.

March 20

Thursday Morning, March 20. 1745

The House met according to Adjournment, and the Proceedings of Yesterday were read.

Philip Thomas Esq^{re} from the Upper House, delivers M^r Speaker the following Message. (See page 239.)

M^r Walter Smith, a returned Member for Calvert County, appears in the House.

M^r Mackall and M^r Tilghman are sent with M^r Smith to the Upper House to see him qualified: They return and acquaint M^r Speaker they saw him qualified in the usual Manner.

The Gentleman takes his Seat in the House.

L. H. J.
Liber No. 46

M^r Smith added to the Committee of Elections and Privileges, and to the Committee for inspecting the Arms, Ammunition &^a

M^r Smith from the Committee of Elections and Privileges, acquaints M^r Speaker that the Committee had made choice of M^r Thomas Jennings for their Clerk.

The House approves the Choice.

Capt. Gordon ordered to qualify M^r Jennings

Capt. Gordon acquaints M^r Speaker, that he had qualified M^r Jennings by administering to him the Oaths to the Government &^a and the usual Oath of Office.

The following Message was sent to the Upper House by M^r Philip Hammond and M^r Tilghman (See page 240.) p. 559

The House adjourns 'til 2 of the Clock

Post Meridiem

The House met according to Adjournment.

The Bill entituled An Act continuing an Act of Assembly of this Province entituled, An Act for the better Relief of poor Debtors, was read the second Time, passed, and sent to the Upper House by M^r Wilkinson and M^r Robins

M^r Francis Lee, a returned Member for Dorchester County, appears in the House.

Col. Hooper and Capt. Ennalls are sent to the Upper House with M^r Lee to see him qualified: They return and acquaint M^r Speaker they saw him qualified in the usual manner.

The Gentleman takes his Seat in the House.

Col. Hooper delivers M^r Speaker a Bill entituled, An Act continuing an Act of Assembly of this Province entituled, An Act to prevent the ill Practices of Sheriffs in the collecting and Payment of the Publick and County Levies; which was read the first Time, and ordered to lie on the Table

Richard Lee Esq. from the Upper House, delivers M^r Speaker the following Message. (See page 240.)

The House adjourns 'til To-morrow Morning 9 of the Clock.

Friday Morning March 21, 1745

March 21

The House met according to Adjournment, and the Proceedings of Yesterday were read

The Bill entituled, An Act for the Trial of all Matters of Fact in the several Counties where they have arisen or shall arise, was read the second Time, passed, and sent to the Upper House by M^r Smith and M^r Thomas.

L. H. J. Col. Hooper delivers M^r Speaker a Bill entituled, An Act for
Liber No. 46 erecting a County School in Worcester County, and appointing
Visitors for the same; which was read the first Time, and ordered
to lie on the Table.

On Motion of a Member, Leave is given to bring in a Bill for
dividing Prince George's County.

On Motion of a Member, Ordered, that the Committee of Ag-
grievances and Courts of Justice, when they inspect the State of the
several Offices, do likewise enquire in what manner the Probat of
Wills was taken, and the Method of Recording them, before the
erecting the Prerogative Office; and that they make a Report thereof
to the House.

The House adjourns til 2 of the Clock

Post Meridiem

The House met according to Adjournment

The House adjourns til To-Morrow Morning 9 of the Clock.

March 22
p. 560

Saturday Morning March 22. 1745

The House met according to Adjournment, and the Proceedings
of Yesterday were read.

The Bill entituled, An Act for Limitation of Officer's Fees, was
read the second Time, passed, and sent to the Upper House by
Capt. Gordon and Capt. Ennalls.

The Bill entituled, An Act continuing an Act of Assembly of this
Province entituled, An Act to prevent the ill Practices of Sheriffs,
in the collecting and Payment of the Publick and County Levies, was
read the second Time, passed, and sent to the Upper House by Maj.
Sheredine and Col. Henry.

M^r Philip Hammond delivers M^r Speaker the following Report,
with which the House concurs. (See page 241.)

p. 561 The Association, mentioned in the foregoing Report, is as fol-
loweth. (See page 243)

The House adjourns 'til Monday Morning 9 of the Clock.

March 24

Monday Morning, March 24. 1745

The House met according to Adjournment: All members present
as on Saturday, except M^r Addison The Proceedings of Saturday
were read.

On Motion of a Member, Ordered, that the Committee of Laws
prepare an Address to his most sacred Majesty.

p. 562 The House adjourns 'til 2 of the Clock

Post Meridiem

L. H. J.
Liber No. 46

The House met according to Adjournment

The following Message, with two Copies of the Association agreed upon by the Conferrees of both Houses, was sent to the Upper House by Col. King, and three others, (See page 244.)

M^r Barnes, a return'd Member for St. Mary's County, M^r John Gresham, a returned Member for Kent County, and M^r Joseph Hall, a Member returned for Calvert County, appear in the House. M^r Key and M^r Richard Gresham are sent with them to the Upper House, to see them qualified: They return and acquaint M^r Speaker they saw them qualified in the usual Manner. The Gentlemen take their Seats in the House.

Daniel Dulany Esq^r and Col. Tasker, from the Upper House, acquaint M^r Speaker, and the Members of this House, that the Governor requires their Attendance in the Council Chamber, to sign the Association.

M^r Speaker, attended by the Members, went to the Council Chamber, where the Governor, and the Members of the Upper and Lower Houses of Assembly, signed the Association.

M^r Speaker and the Members return to their House, and M^r Speaker resumes the Chair.

The House adjourns 'til To-morrow Morning 9 of the Clock.

Tuesday Morning March 25. 1746.

1746
March 25

The House met according to Adjournment, and the Proceedings of Yesterday were read.

M^r Addison appears in the House.

M^r Hammond from the Committee of Laws delivers M^r Speaker a Bill entituled An Act for raising per Hogshead on all Tobacco to be exported, for purchasing Arms and Ammunition, for the Defence of this Province; which was read the first Time, and Ordered to lie on the Table.

Col Hooper delivers M^r Speaker the following Report, which was read, and ordered to lie on the Table, viz.

By the Committee of Aggrievances and Courts of Justice March 24. 1745

Your Committee having, in pursuance to the Order of Your Honourable House, enquired into what manner the Probat of Wills was taken, and how they were recorded before the erecting a Commissary's office within this Province, do find in the Commissary General's Office, in Liber Number 1 Folio 1. transcribed from Liber Z. lodged in the Land Office, the Beginning of Proceedings relating to Testamentary Affairs, dated 19 February 1635, the last Will and

L. H. J. Testament of William Smith, proved by Anne the Wife and Execu-
 Liber No. 46 trix of the said William.
 p. 563

We find also in the same Book, Folio 7, that on the 4 January 1639 John Lewger signed as Commissary; and in the same Year he is stiled Secretary. That in the same Book and Folio is the following Entry, viz. 12 January 1641, William Jackson made Oath, that he was present at the signing of the Will by Robert Cooper, bearing date 28 April 1641; and that the Will exhibited into the Court was signed and delivered as the last Will and Testament of the said Robert Cooper. Coram Leonard Calvert

We likewise find in the same Book, Folio 9, the following Entry, viz. "June 19. This Day came Margaret Brent, and desired the Testimony of the present Governor, M^r Thomas Green, concerning the last Will and Testament of the late Governor Leonard Calvert Esq, and the said Governor did authorize Giles Brent Esq^r one of his Lordship's Council, to administer an Oath unto him the said Governor, concerning the aforesaid Business."

We likewise find in the same Book, Folio 24, that on the 16 April 1650, Thomas Hatton Esq. as Secretary, took the Probat of last Wills and Testaments; and that from that Year, and several Years afterwards, he the said Hatton continued to exercise the same Power.

We also find in the same Book, that Probat of Wills in the Year 1659, was likewise taken before Philip Calvert Esq^r as Secretary.

We also find, that from the Year 1664, to the Year 1668, Probat of Wills was taken before Charles Calvert Esq, and that in a Testamentary Proceeding Book in the Year 1668, Folio 2, he the said Charles Calvert Esq. is stiled Lieutenant General and Chief Judge for proving of Wills and granting of Administrations.

We also find in the same Book, Folio 636, a Will proved before the Honourable Philip Calvert Esq. Chief Judge for Probat of Wills, and granting Administrations, the 12 August 1674, and that he continued to exercise the same Power to the 11 February 1681, as appears from Book of Wills, Number 2. Folio 169.

We also find from the last mentioned Book, Folio 207, a Will proved in the following Manner, viz. Proved in common Form, in open Court, the 11 November 1670 E. Bonner Register.

We also find, That the said Bonner was then Register of Anne Arundel County Court, and continued to take Probat of Wills in the same manner, to the 11th of June 1692, as appears by the same Book, Folio 233. We also find in the same Book, Folio 236, a Will proved the 2^d of February 1693, before Kenelm Cheseldyne, Commissary General.

In the Secretary's Office

We also find, in the transcribed Book of Laws in the said Office, Liber C. and W H, Folio 11 An Act for erecting a County Court,

whereby the Iustices had Power to appoint a Register: Likewise in the same Book Folio 32. An Act for assuring of Titles to Land; in which all Persons inheriting by Testaments, were empowered to enter with the Register of every Court their Title, Also, in the same Book Folio 61, the following Entry, viz. "Memorandum, That at the first meeting of the Assembly on the 25th Day of February 1638, was enacted and ordained one Act as followeth"—precedent to which the former two Acts were recorded; but we cannot discover any Dates, so as to shew the Time they were enacted.

We find in Liber S Folio 18, in the said Office, a Will recorded, and Probat of a nuncupative Will, taken before William Bretton, the 15th April 1658. We also find in the same Book, Folios 74, 75 and 76 the will of John Lloyd, dated June 26. 1658, recorded, and two of the subscribing Witnesses to the same sworn to the Proof thereof, before William Bretton; and the said Bretton, who likewise was a subscribing Witness to the same Will, was sworn to prove the same before Philip Calvert Esq. And we likewise find in the same Book, Folio 76 and 77, that the said Philip Calvert Esq^r is stiled Judge in Testamentary Causes, and Secretary.

And we are informed by the Clerk of the Provincial Court, that he has seen several Wills and Testamentary Affairs recorded in the Books in the said Office; but not being regularly alphabeted, they cannot without Difficulty be found.

We also find in the aforesaid Lib. C and W H, Folio 73, Bills enacted for Laws, at the Session of General Assembly, 12th August 1641, one Act entituled, An Act for Causes Testamentary; wherein is contained, among other Things that the Lieutenant General, or, in his Absence, his Deputy, or other the first Councillor resident in the County, shall prove Wills, and grant Administrations, and exercise all temporal Iurisdiccions to Testamentary Causes appertaining.

We also find in Liber W. H. Folio 139, An Act for Preservation of Orphan's Estates, made Anno 1671; wherein, among other Things, it is enacted,

That all last Wills and Testaments shall be firm and inviolable, unless the Executors or Overseers thereby appointed, do refuse to execute the Trust reposed in them by the Testator: In which case, the Chief Iudge for Probat of Wills and Granting Administrations, shall grant Administration, with the Will annexed, to some other Person, as in his Discretion shall seem meet.

We also find in the same Book, Folio 276, An Act for Limitation of Officers Fees, made the 15th of May 1676, among which Fees is as follows, viz.

Fees to the Iudge in Testamentary Causes.

For every Commission to prove a Will

For recording Wills.

L. H. J. We also find in the same Book Folio 299, An Act for Preservation
 Liber No. 46 of Orphans real Estates, made Anno 1688.

We likewise find in Liber L L, Folio 10, An Act for the better Administration of Iustice in Probat of Wills, granting Administrations, Recovery of Legacies, and securing Filial Portions, made Anno 1692; wherein it is enacted, Folio 19, That the Commissary General of this Province, Chancellor, or other Person, that shall from time to time be appointed a Iudge in Testamentary Causes for granting of Administrations, shall from time to time, and at all Times during his Continuance in the said Office, constitute, ordain, and appoint, some able and sufficient Person of good Repute, and a Freeholder, in every respective County in this Province, to take the Probat of any last Will or Testament of any Person or Persons, either nuncupative or in Writing, even tho' the same be concerning the Title of Land &^a

We also find in Liber W. H, and Folio 79, An Act for taking away all Errors in Proceedings at Law and Equity, and in the Court for Probat of Wills, occasioned by the late Revolution, made at a Session held 10 May 1692. We likewise find in Liber C and W H, Folio 63, at a Session of Assembly held 19th March 1638.

p. 565 In the following Act viz. An Act ordering certain Laws for the Government of this Province; a Clause of which Folio 65, is as follows, viz. "The Secretary shall prove Wills and grant Administrations, and use and appoint all Power and Means necessary or conducing thereunto."

All which is humbly submitted to the Consideration of the Honourable House.

Signed per Order, W^m Wilkins, Clerk.

M^r Worthington from the Committee of Accounts delivers M^r Speaker the following Representation viz.

By the Committee of Accounts, March 26. 1746.

Your Committee having several Accounts of Fees charged to the Publick, agreeable to his Lordship's Proclamation, before them for Allowance, desire the Direction of your House, in what manner the said Fees shall be allowed.

Signed per Order, Richard Dorsey Cl. Com. Accounts.

Which being read, Ordered, that such Part of the said Officers Accounts as shall be allowed, be made agreeable to the Regulation of Fees made in a Billl passed both Houses of Assembly, the last Session entituled, An Act for Limitation of Officers Fees.

The House adjourns 'til 2 of the Clock.

Post Meridiem

The House met according to Adjournment.

Col. Tasker, from the Upper House, delivers M^r Speaker a Petition of William Thornton, praying that Provision may be made for repairing the publick Goal, Indorsed (See page 245.)

Which Petition was read, and ordered to lie for further Consideration. L. H. J. Liber No. 46

Col. Lloyd, from the Upper House, delivers M^r Speaker a Petition of John Roberts and Thomas Bond, of Baltimore County, praying an Allowance for their Trouble and Expence in pursuing divers Persons presented for Horse-Stealing &^a Indorsed (See page 245.)

Which Petition was read, and ordered to lie for further Consideration.

Col. Hooper, from the Committee of Laws, delivers M^r Speaker a Bill entituled, A supplementary Act to An Act entituled An Act declaring Female Mulattoes born of white women, and free Negro Women, to be Taxables; which was read the first Time, and ordered to lie on the Table.

The House adjourns 'til To-morrow Morning 9 of the Clock

Wednesday Morning, March 26. 1746.

March 26

The House met according to Adjournment, and the Proceedings of Yesterday were read.

On reading the second Time the Bill entituled An Act for raising Sterling per Hogshead on all Tobacco to be exported, for purchasing Arms and Ammunition for the Defence of this Province, a Question was put, whether any Duty shall be laid on Tobacco for that Purpose? Resolved in the affirmative.

For the Affirmative

M ^r Harris	M ^r Harris[on]	M ^r Paca
P. Hammond	Wilkinson	Buchanan
Carroll	Lloyd	Wootton
Worthington	I. Goldsborough	Addison
Henry Hall	Lecompte	Stoddert
Smith	Pearce	T. Hammond
Mackall	Hyland	Hopper
Jos. Hall	Bayard	Tilghman
Courts	Sheredine	
Smallwood	John Hall	

For the Negative

M ^r Key	M ^r King	M ^r Gordon
Bond	Dashiel	Dulany
Mills	Dennis	Henry
Barnes	Thomas	Purnell
I. Gresham	Hooper	Robins
R. Gresham	Ennalls	Scarborough
Stoughton	Lee	

p. 566

A Question was then put, Whether the Duty to be laid on Tobacco be 3^d Sterling per Hogshead, or 4^d Resolved that it be 4^d

L. H. J.
Liber No. 46

For four Pence

M ^r Harris	M ^r Smallwood	M ^r Paca
P. Hammond	Harrison	Buchanan
Carroll	Wilkinson	Wootton
Worthington	Lloyd	Addison
Hen. Hall	I. Goldsborough	Stoddert
Smith	Pearce	T. Hammond
Mackall	Hyland	Hopper
Jos. Hall	Sheredine	Tilghman
Courts	John Hall	

For three Pence

M ^r Key	M ^r Dashiel	M ^r Gordon
Bond	Dennis	Dulany
Mills	Thomas	Henry
Barnes	Hooper	Purnell
I. Gresham	Ennalls	Robins
R. Gresham	Lecompte	Scarborough
Stoughton	Lee	
King	Bayard	

A Question was likewise put, Whether the said Duty shall be paid to the Honourable Col. Edward Sprigg, Speaker of this House; or to the Treasurers of the respective Shores? Resolved, That it be paid to the Honourable Col. Edward Sprigg.

For it's being paid to the Honourable Col. Edward Sprigg.

M ^r Harris	M ^r Harrison	M ^r Sheredine
P. Hammond	Wilkinson	John Hall
Carroll	Lloyd	Paca
Worthington	Thomas	Buchanan
Hen. Hall	I. Goldsborough	Wootton
Smith	Hooper	Addison
Mackall	Ennalls	Stoddert
Jos. Hall	Pearce	T. Hammond
Courts	Hyland	Hopper
Smallwood	Bayard	Tilghman

For it's being paid to the Treasurers

M ^r Key	M ^r Stoughton	M ^r Gordon
Bond	King	Dulany
Mills	Dashiel	Henry
Barnes	Dennis	Purnell
I. Gresham	Lecompte	Robins
R. Gresham	Lee	Scarborough

A Question was also put, Whether the following Clause shall stand as a Part of the said Bill? viz. "And be it likewise enacted, that from and after the End of this Session of Assembly, the Armourer, Smith, Gunner, or other Person or Persons employed in taking care of the Arms and Ammunition, cleaning or repairing the said Arms, shall be paid their several and respective Salaries or Allowances, for their respective Service or Services, in the Current Money of this Province, and not otherwise," Resolved in the Affirmative.

L. H. J.
Liber No. 46

For the Affirmative.

p. 567

M ^r Key	M ^r Harrison	M ^r I. Hall
Bond	Wilkinson	Paca
Mills	Lloyd	Buchanan
Harris	Thomas	Wootton
P. Hammond	I. Goldsborough	Addison
Carroll	Hooper	Stoddert
Worthington	Ennalls	Dulany
H. Hall	Lecompte	T. Hammond
Smith	Lee	Hopper
Mackall	Pearce	Tilghman
Jos. Hall	Hyland	Purnell
Courts	Bayard	
Smallwood	Sheredine	

For the Negative

M ^r Barnes	M ^r King	M ^r Henry
I. Gresham	Dashiel	Robins
R. Gresham	Dennis	Scarborough
Stoughton	Gordon	

The Bill being read through, was passed, and sent to the Upper House by M^r Lloyd and Maj. Hall.

The House adjourns 'til 2 o fthe Clock

Post Meridiem

The House met according to Adjournment.

The Bill entituled, An Act for erecting a County School in Worcester County, and appointing Visitors for the same, was read the second Time, passed, and sent to the Upper House by Col. Henry and Col. Scarborough.

The Bill entituled, A supplementary Act to an Act entituled, An Act declaring Female Mullattoes born of white women, and free Negro Women, to be Taxables, was read the second Time, and will not pass.

L. H. J. On Motion of a Member, Leave is given to bring in a supplementary, or reviving Bill (as may be thought necessary) to the Act entituled, An Act for raising and issuing money for maintaining his Majesty's Forces, to be raised in this Province; and for transporting them to the Place of Rendezvous in the West Indies: And ordered, that the Committee of Laws prepare and bring in the same.

The House taking into Consideration the Petition of William Thornton, Ordered, that Mr Walter Smith, William Stoughton Esq and Col. John Hall, be a Committee to enquire into the State of the publick and County Goal in the City of Annapolis; and that they make report thereof to this House.

The House taking into Consideration the Petition of John Roberts and Thomas Bond of Baltimore County; Ordered, that they have an Allowance of Three pounds each entered on the Journal of Accounts.

Mr John Gresham added to the Committee of Elections and Privileges.

Mr Green, Printer agrees with the House to print the Votes and Proceedings of the present Session, at the usual Allowance of twelve Shillings per Day; and promises to compleat the Work if possible, within six weeks from the End of the Session.

The House adjourns 'til To-morrow Morning 9 of the Clock

March 27 Thursday Morning March 27. 1746

The House met according to Adjournment, and the Proceedings of Yesterday were read.

The House adjourns 'til 2 of the Clock.

Post Meridiem

p. 568 The House met according to Adjournment

Samuel Chamberlain Esq from the Upper House, delivers Mr Speaker a Petition of the Rector, Vestrymen, and Church Wardens of St. Anne's Parish in Anne Arundel County, praying that a Bill may be brought in to supply some Defects in an Act of Assembly of this Province entituled, An Act to enable the Rector, Vestrymen and Church Wardens, for the Time being, of St. Annes Parish in Anne Arundel County, to lease certain Lots in the City of Annapolis, in manner and to the uses therein mentioned, Indorsed. (See page 246.)

Which Petition was read, and ordered to lie for further Consideration

D^r Carroll from the Committee of Laws delivers M^r Speaker a Bill entituled, An Act for the easier and better securing the Estates of Debtors absconding, and of Persons Bankrupt, for the Use of their Creditors, and equal Distribution of the same; which was read the first Time, and ordered to lie on the Table. L. H. J.
Liber No. 46

The House adjourns 'til To-morrow Morning 9 of the Clock.

Friday Morning, March 28. 1746.

March 28

The House met according to Adjournment, and the Proceedings of Yesterday were read.

Resolved, That this House will not proceed to any new Business after Monday next.

The House adjourns 'til 2 of the Clock

Post Meridiem

The House met according to Adjournment

The Petition of the Rector, Vestrymen, and Church Wardens, of St. Anne's Parish in Anne Arundel County read and granted.

M^r Smith delivers M^r Speaker the following Report viz.

By the Committee appointed to inquire into the State of the publick and County Goal in the City of Annapolis upon the Petition of William Thornton, Sheriff of Anne Arundel County.

March 28. 1746.

Your Committee having viewed and inspected the State of the publick Goal, do find the Front and back Doors thereof are single, and not well secured, and the Frames rotten, which occasions a Breach in the Walls. We also find the Floors want repairing; and that the Safety of the Prison, which we conceive ought to consist of a strong Cieling, appears to us to have been insufficient at the first Building, and so impaired since, that renders it now of no Service for the Security thereof. We likewise find that the Partition Walls not being carried up to each Floor, hath made it easy for the Prisoners to pass from one Room to another. That the Joists are weakened, by great Part of them being cut away by the Prisoners for Fire wood, as your Committee are inform'd.

That the Sink from the Prison is stopped, and the Condemn'd Hold has now Water in it, and no Passage to carry it off; and there being no Shutters to the Windows the Prisoners, we conceive, have not only an Opportunity of being furnished with Tools for the making their escape, but likewise has occasioned the Damage that is done to the Goal. p. 569

L. H. J. That the Wall of the Prison Yard is crack'd from the Top to the
 Liber No. 46 Bottom, in the Southeast Corner thereof; and the Pump and Well
 Frame in the said yard are quite rotten.

All which is most humbly submitted to the Consideration of this
 Honourable House. Signed per Order, W^m Wilkins, Clerk.

Which being read, the House concurs therewith.

Maj. Sheredine, from the Committee appointed to inspect the
 Office and Proceedings of the Commissioners for emitting Bills of
 Credit established by Act of Assembly, delivers M^r Speaker the fol-
 p. 571 lowing Report. (See page 247.)

Which being read, the House concurs therewith.

Col. Hammond from the Upper House, delivers M^r Speaker the
 Bill entituled, An Act for raising 4^d Sterling per Hogshead on all
 Tobacco to be exported, for purchasing Arms and Ammunition for
 the Defence of this Province, Indorsed (See page 250.)

With the following Message. (See page 250.)

Which, with the above Amendments, proposed by the Upper
 p. 572 House, being read, the Question was put, Whether this House will
 agree to the said Amendments? Resolved in the negative.

For the Negative

M ^r P. Hammond	M ^r Wilkinson	M ^r Paca
Carroll	Lloyd	Buchanan
Worthington	I. Goldsborough	Wootton
Hen. Hall	Hooper	Addison
Smith	Ennalls	Stoddert
Mackall	Pearce	T. Hammond
Jos. Hall	Hyland	Hopper
Courts	Bayard	Tilghman
Smallwood	Sheredine	
Harrison	John Hall	

For the Affirmative

M ^r Key	M ^r Stoughton	M ^r Gordon
Bond	King	Dulany
Mills	Dashiel	Henry
Barnes	Dennis	Purnell
I. Gresham	Lecompte	Robins
R. Gresham	Lee	Scarborough

M^r Hammond from the Committee of Laws delivers M^r Speaker
 a Bill entituled An Act continuing an Act entituled, An Act for
 raising and issuing money, for maintaining his Majesty's Forces, to
 be raised in this Province, and for transporting them to the Place of
 Rendezvous in the West Indies, so far as relates to the regulating

of Ordinaries, Ordinary Keepers, and granting of Ordinary Licenses, L. H. J. which Bill was read the first Time, and ordered to lie on the Table. Liber No. 46

M^r Smith, from the Committee of Elections and Privileges, delivers M^r Speaker the following Report viz.

By the Committee of Elections and Privileges, March 27. 1746. P. 573

Your Committee having inspected the Writs directed to the several Sheriffs, and to the Mayor, Recorder, and Alderman of the City of Annapolis, with the Indentures thereunto annexed, do find

That M^r Philip Key, M^r. Zachariah Bond, M^r Abraham Barnes, and M^r James Mills, Members returned for St. Mary's County, are duly returned.

That M^r John Gresham, M^r George Wilson, M^r Richard Gresham, and M^r Matthias Harris, members returned for Kent County, are duly returned.

That Maj. Henry Hall, M^r Philip Hammond, D^r Charles Carroll, and M^r Thomas Worthington, members returned for Anne Arundel County, are duly returned

That M^r Walter Smith, M^r Joseph Hall, M^r John Brome, and M^r James John Mackall, members returned for Calvert County, are duly returned.

That M^r Bayne Smallwood, M^r Richard Harrison M^r William Wilkinson, and M^r John Courts, members returned for Charles County, are duly returned.

That M^r Nicholas Goldsborough, M^r William Thomas, M^r Robert Lloyd, and M^r John Goldsborough, Members returned for Talbot County, are duly returned.

That William Stoughton Esq. Col. Robert King, Col. George Dashiell, and M^r John Dennis, Members returned for Somerset County, are duly returned.

That Col. Henry Hooper, M^r Philemon Lecompte, Capt. Bartholomew Ennalls, and M^r Francis Lee members returned for Dorchester County, are duly returned.

That M^r Nicholas Hyland, M^r Joshua George, M^r Benjamin Pearce, and M^r Peter Bayard, Members returned for Cecil County, are duly returned.

That Maj. Thomas Sheredine, Col. John Hall, D^r George Buchanan, and M^r John Paca, Members returned for Baltimore County, are duly returned.

That Col. Edward Sprigg, M^r Turnor Wootton, Capt John Addison, and M^r John Stoddert, Members returned for Prince George's County, are duly returned.

That Capt. Robert Gordon, and M^r Walter Dulany Members returned for the City of Annapolis, are duly returned.

L. H. J. That M^r William Hopper, M^r Thomas Hammond, M^r Grundy
Liber No. 46 Pemberton, and M^r Edward Tilghman Members returned for Queen
Ann's County, are duly returned.

That Col. John Henry, Capt. John Purnell, Capt. Thomas Robins,
and Col. John Scarborough, Members returned for Worcester
County, are duly returned

All which your Committee submit to the Consideration of the
House. Signed per Order, Thomas Jennings Cl. Com.

The House adjourns 'til To-morrow Morning 9 of the Clock.

March 29

Saturday morning, March 29. 1746

The House met according to Adjournment, and the Proceedings
of Yesterday were read.

M^r Mackall and M^r Wilkinson absent this Day.

It being moved by a Member that a Question might be put,
Whether this House will acquaint the Governor with their Resolu-
tion to have the Letter, from Governor Clinton to his Excellency,
printed. The previous Question was put, Whether that Question
should be put? and Resolved in the negative.

For the Negative

p. 574 M ^r Mills	M ^r Harrison	M ^r John Hall
Barnes	Lloyd	Buchanan
P. Hammond	I. Goldsborough	Wootton
Carroll	Hooper	Addison
Worthington	Ennalls	Stoddert
Hen. Hall	Lecompte	T. Hammond
Smith	Pearce	Tilghman
Jos. Hall	Hyland	Henry
Courts	Bayard	
Smallwood	Sheredine	

For the Affirmative

M ^r Key	M ^r King	M ^r Dulany
Bond	Dashiel	Purnell
I. Gresham	Dennis	Robins
R. Gresham	Lee	Scarborough
Stoughton	Gordon	

Richard Lee Esq, from the Upper House, delivers M^r Speaker a
Petition of James Mills, praying that an Allowance of £70 Current
Money may be made him in the Journal of Accounts for his negro
Quod, who was tried for a Felony and condemned, but died in Goal
before Execution; Indorsed. (See page 251.)

Which Petition was here read and rejected.

Ordered, that the Committee of Accounts do enquire for the Bonds passed by Robert Ungle Esq, formerly Treasurer of the Eastern Shore, for the due Execution of his Office; and what money stands charged in the said Ungle's Accounts, as paid by him to Richard Bennett Esq, in the Year 1720; and make report thereof to the House.

M^r Lecompte hath Leave of the House to go home.

Col. Plater and Col. Tasker, from the Upper House, acquaint M^r Speaker and the Members of this House, that the Governor requires their immediate Attendance in the Council Chamber.

M^r Speaker, with the Members, went to the Council Chamber, where his Excellency made the following Speech. (See page 251.)

M^r Speaker and the Members return to their House, where M^r Speaker resumes the Chair, and acquaints the House, that his Excellency having thought fit to prorogue this Assembly to the first Tuesday in September next, this House is prorogued to that Time accordingly

W^m Tilghman Clk Lo. Ho.

L. H. J.

Liber No. 46

p. 575

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY OF MARYLAND

*At a Session held at Annapolis June 17–July 8, 1746
Being the First Session of the Assembly elected in 1745*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

THOMAS BLADEN,
Governor.

PROCEEDINGS
OF THE UPPER HOUSE OF ASSEMBLY

At a Session of Assembly begun and held at the City of Annapolis on Tuesday the 17 day of June in the thirty second Year of his Lordships Dominion Anno Domini 1746

U. H. J.
June 17
1746
Liber No. 34
p. 119

Present

His Excellency Thomas Bladen Esq^r Governor

the hon ^{ble}	{	Benjamin Tasker Esq ^r	{	Philip Thomas Esq ^r
		Edmund Jenings Esq ^r		Benjamin Young Esq ^r
		Col ^o James Hollyday		Col ^o Benjamin Tasker
		Col ^o Charles Hammond		Richard Lee Esq ^r

Mess^{rs} Carroll and Tilghman from the Lower House acquaint his Excellency that there is a sufficient Number of Members met to make a House and wait his Excellencys Commands

Edmund Jenings Esq^r and Col^o Hammond are sent to acquaint the Lower House that his Excellency requires the Speaker and the house to attend him in the Upper House

The Speaker and the Lower House attend and his Excellency is pleased to make the following Speech

Gentlemen of the Upper and Lower houses of Assembly

This Unexpected Meeting You is occasioned by a Letter I very lately received from his Grace the Duke of Newcastle Whereby he

U. H. J. signifies His Majestys Commands that I should immediately make
 Liber No. 34 every necessary Disposition for the raising as many Forces within
 this Province as the shortness of the Time will permit, which together
 with others to be Levied in the Neighbouring Governments are to
 Act in Consert with his Majestys Regular Forces which are daily
 Expected from Great Britain, in an Expedition for the Reduction
 of Canada

The Success of this Enterprize is so visibly Important to the Glory
 of the Crown of Great Britain, the Advantage of its Trade, and the
 safety and Quiet of Ourselves, that I am perswaded every Loyal
 Breast will be Warmed with an Earnestness to shew their Duty to
 his Majesty in answering his Royal Expectations on this Occasion:
 and that this great Design may be better pursued I cannot avoid
 recommending to Your Consideration some Provision or Allowance
 by the Way of a Bounty for the Encouragement of such who may
 be willing to engage themselves as Soldiers in the Service

I am by his Majesty commanded to make Application to the Assem-
 bly of this Province that a Sufficient Quantity of Provisions be pro-
 cured for the subsistence of Our Levies, And I am further Com-
 manded to take Care that Arms and Cloaths be provided for them,
 the Expence of which is to be allowed for in a reasonable manner out
 of a Fund appointed by his Majesty

p. 120 You are sensible that I must find myself under an Impossibility of
 complying with this part of the Royal Commands with Regard to
 the Arms unless some part of those already purchased by the Publick
 and now in the County be made Use of for this Purpose

I shall lay before you several Letters which I have received from
 the Governors of New York and New England earnestly pressing
 that Commissioners should be sent from this Province in Order to
 consult with the Commissioners of his Majestys other Governments
 upon the best Method to engage the Six Nations of Indians, who now
 are very wavering to take up the Hatchett and declare War against
 the French and their Indians

This Measure tho' extremely proper before is now made abso-
 lutely necessary in the present Conjunction of this Expedition; The
 Money Voted at Our last Meeting as a Gift to the Indians, being
 to be paid out of the Ball^a on the Fund for Arms cannot be now used
 from the Failure of the Merchant in whose Hands it was deposited,
 And I doubt not but You will thoroughly consider what is so re-
 peatedly desired by the Neighbouring Governments

However expensive these Services may be to the Country, yet they
 are for such Purposes as give us an Opportunity of manifesting Our
 Zeal & Loyalty to his Majesty as well as a commendable Care and
 Precaution for our future Safety from the Attempts of the French
 and the fickleness of Indians who must from time to time be courted

and engaged by Presents And it will surely be considered as a Happiness, if We can by some early Contribution not only put Ourselves into a State of Defence but either totally destroy the Enemy, or at least keep him at such a distance as not to infest our Borders; As I am commanded by his Majesty I must earnestly press You to all imaginable Dispatch, since the Shortness of Time, and the Nature of the Service required will not admit of the least Delay

U. H. J.
Liber No. 34

Mess^{rs} Gresham and Hyland attend with M^r George a Member Elected for Cecil County and with M^r George Wilson a Member elected for Kent County in Order to see them qualified, who take the several Oaths to the Government required by Law, repeat and sign the Abjuration and Test and then withdrew

Adjourned till to Morrow Morning ten of the Clock

Wednesday Morning 18 June 1746

June 18

This House met again according to Adjournment

Present as Yesterday

Mess^{rs} Goldsborough and Thomas from the Lower House attend with M^r Nicholas Goldsborough a Member elected for Talbot County in Order to see him qualified who takes the several Oaths to the Government required by Law repeats and subscribes the Adjuration and Test and then withdrew

p. 121

Adjourned til three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning with the Addition of Col^o George Plater

Benjamin Tasker Esq^r attended by the Members of this House present to his Excellency their Address which follows in these Words To his Excellency Thomas Bladen Esq^r Governor and Commander in Chief in and over the Province of Maryland

The humble Address of the Upper House of Assembly

May it please Your Excellency

We return Your Excellency thanks for your kind Speech at the Opening of this Session

The Importance of the Enterprize which gives Occasion to this present Assembly is so great, and the Trade of Great Britain in General as well as the American Plantations in particular so much interested in It's Success, that We shall with the greatest Chearfulness contribute all in our Power to forward it

The Glory of Our Sovereign will at all times excite Us to Exert Ourselves and Act with Vigor, and more especially now, when it is placed so evidently in the Happiness of the People as the Attempt

U. H. J. to reduce Canada is, and which We are assured will have the Con-
 Liber No. 34 currence of every honest Subject Self Interest as well as Loyalty
 will be a Spur to it, and therefore We hope that the Royal Expecta-
 tions on this glorious Occasion will meet with no Disappointment;
 Nor shall be wanting in Our Inclinations for such a Bounty as will
 effectually encourage Men to Inlist for the service proposed

We are sensible that it is impossible to comply with the Royal
 Commands in furnishing Arms without making Use of those now
 in the Province purchased by the Publick, and which Use We think
 the more proper as this Expedition tends in the highest Degree to the
 safety of this Province

As the Indians are a fluctuating and mercenary People not to be
 gained or secured in any Friendship but by Presents, We shall readily
 approve any Measure that may be thought necessary to engage the
 Six Nations to declare War in our favour at this Critical Conjunction

These Services cannot be performed without considerable Expence
 to the Country, but We think the neglecting them may be attended
 with such terrible Consequences that We hope they will meet with
 no Impediment by any ill timed Frugality or unnecessary Delay;
 p. 122 And as We are sensible that We have no time to lose. We are deter-
 mined to give the Business all the Dispatch in our Power

Benja^a Tasker Pres^t

Adjourned till to Morrow Morning ten of the Clock

June 19

Thursday Morning 19 June 1746

This House met again according to Adjournment

Present as Yesterday

A Message from the Lower House by Mess^{rs} Tilghman & Barnes

By the Lower House of Assembly 19 June 1746

May it please Your Honours

This House hath appointed Col^o Henry M^r Stoddart, M^r Tilgh-
 man, M^r Barnes and Col^o Hall to joyn such Members of your House
 as you shall think proper to Name for that Purpose in a Committee
 to inspect the Accounts and Proceedings of the Commissioners of
 the Paper Currency Office

Signed p Order W^m Tilghman Cl Lo Ho.

Adjourned till 3 of the Clock in the Afternoon

Eodem Die post Meridiem

This Houses met again according to Adjournment

Present as in the Morning with the Addition of Samuel Chamber-
 lain Esq^r

The following Message sent by Richard Lee Esq^r

U. H. J.
Liber No. 34

By the Upper House of Assembly 19 June 1746

Gentlemen

This House hath named Richard Lee Esq^r to joyn the Members appointed by your House in a Committee to inspect the Accounts and Proceedings of the Commissioners of the Paper Currency Office

Signed p Order J Ross Cl Up Ho.

His Excellency is pleased to communicate his Answer to the Address of this House which Answer follows in these Words

Gentlemen of the Upper House of Assembly

I thank you for Your Address: I am fully perswaded nothing will be wanting on your Parts that may contribute to the Success of an Enterprize wherein the Glory of Our Sovereign and the Safety and Interest of the American Colonies are so greatly concerned

Tho^s Bladen

Mess^{rs} Smith and [Harrison] from the Lower House attend with M^r John Broome a Member elected for Calvert County in Order to see him qualified, who takes the several Oaths to the Government required by Law repeats and subscribes the Abjuration and Test and then withdrew

Adjourned till three of the Clock in the Afternoon

p. 123

Eodem Die Post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

Saturday Morning 21 June 1746

June 21

This House met again according to Adjournment

Present as Yesterday with the Addition of Col^o Hammond and Daniel Dulany Esq^r

A Bill from the Lower House by Mess^{rs} Courts and Ennals ent^d an Act for issuing and taking out of the Office of the Commissioners or Trustees appointed for Emitting Bills of Credit established by Act of Assembly the sum of four Thousand five hundred Pounds Current Money for Encouragement of such able Bodyed Freemen as shall voluntarily Enlist themselves into his Majestys Service for the intended Expedition against Canada, and for maintaining and conveying them to the Place of Rendezvous as also for replacing of the said sum, and for the better regulating Ordinaries and Ordinary Keepers and for other Purposes therein mention^d thus Endorsed

U. H. J.
Liber No. 34

By the Lower House of Assembly 18 June 1746
Read the first Time and Ordered to lie on the Table
Signed p Order W^m Tilghman Ct Lo. Ho.

By the Lower House of Assembly 21 June 1746
Read the second time and will pass
Signed p Order W^m Tilghman Ct Lo Ho.

Read the first Time in this House and Ordered to lie on the Table
Adjourned till Monday Morning ten of the Clock

June 23 Monday Morning 23 June 1746 This House met again according to Adj^t Present

the ho ⁿ ble	{	Benjamin Tasker Esq ^r	{	Samuel Chamberlain Esq ^r
		Col ^o George Plater		Daniel Dulany Esq ^r
		Edmund Jenings Esq ^r		Benjamin Young Esq ^r
		Col ^o James Hollyday		Col ^o Benj ^a Tasker
		Col ^o Charles Hammond		Richard Lee Esq ^r

The following Message is sent by Col^o Tasker
By the Upper House of Assembly 23 June 1746

Gentlemen

p. 124 Upon reading the Bill entituled an Act for issuing and taking out of the Office of the Commissioners or Trustees for emitting Bills of Credit established by Act of Assembly the Sum of Four thousand five hundred Pounds Current Money for encouragement of such able Bodyed Freemen as shall voluntarily enlist themselves into his Majestys Service for the intended Expedition against Canada, and for maintaining and conveying them to the Place of Rendezvous as also for replacing the said Sum and for the better regulating Ordinaries and Ordinary Keepers, and for other Purposes therein mentioned, this House thinks several matters in that Bill worthy Consideration whether it ought not to be amended therefore We desire a Conference on the Subject matter of that Bill

Signed p Order J Ross Ct Up Ho.

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

A Message from the Lower House by Mess^{rs} Stoughton & Bond

By the Lower House of Assembly 23 June 1746

May it please Your Honours

In Answer to Your Message of this day by Col^o Tasker We assure You that any reasonable Proposals from your Board for the making

more useful the Bill Entituled an Act for issuing or taking out of the Office of the Commissioners or Trustees appointed for emitting Bills of Credit established by Act of Assembly the Sum of Four thousand five hundred Pounds Current Money for Encouragement of such able Bodied Freemen as shall voluntarily enlist themselves into his Majestys Service for the intended Expedition against Canada &c^a will be very agreable to this House and We rather incline to receive such Proposals by way of Message than that of a Conference and therefore do not agree thereto

U. H. J.
Liber No. 34

Signed p Order W^m Tilghman Cl Lo Ho.

Read the second time the Bill entituled an Act for issuing and taking out of the Office of the Commissioners or Trustees appointed for emitting Bills of Credit established by Act of Assembly the sum of four Thousand five hundred Pounds Current Money for Encouragement of such able Bodied Freemen as shall voluntarily Enlist themselves into his Majestys Service for the intended Expedition against Canada, and for maintaining and conveying them to the Place of Rendezvous as also for replacing of the said Sum, and for the better regulating Ordinaries and Ordinary Keepers and for other Purposes therein mentioned Passed and sent by Benjamin Young Esq^r

Adjourned till to Morrow Morning ten of the Clock

p. 125

Tuesday Morning 24 June 1746

June 24

This House met again according to Adjournment

Present as Yesterday

A Bill from the Lower House by M^r Wilson and others Entituled an Act for Limitation of Officers Fees thus Endorsed

By the Lower House of Assembly 23 June 1746

Read the first Time and Ordered to lie on the Table

Signed p Order W^m Tilghman Cl Lo Ho.

By the Lower House of Assembly 24 June 1746

Read the second time and will pass

Signed p Order W^m Tilghman Cl Lo Ho

Read the first Time in this House and Ordered to lie on the Table

Two Bills from the Lower House One entituled an Act continuing an Act entituled an Act for the Advancement of Justice and the Ent^d An Act continuing an Act Entituled an Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law and for continuing the supplementary Act thereto thus Endorsed

U. H. J.
Liber No. 34

By the Lower House of Assembly 23 June 1746

Read the first Time and Ordered to lie on the Table

Signed τ Order W^m Tilghman C^t Lo Ho.

By the Lower House of Assembly 24 June 1746

Read the second time and will pass

Signed τ Order W^m Tilghman C^t Lo Ho

Read the first Time in this House and Ordered to lie on the Table

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning with the Addition of Col^o Lloyd

A Bill from the Lower House by M^r George and others Entituled
an Act for the Tryal of all Matters of Fact in the several Counties
where they have arisen or shall arise thus Endorsed

By the Lower House of Assembly 23 June 1746

Read the first Time and Ordered to lie on the Table

p. 126 Signed τ Order W^m Tilghman C^t Lo. Ho.

By the Lower House of Assembly 23 June 1746

Read the Second time and will pass

Signed τ Order W^m Tilghman C^t Lo Ho.

Read the first Time in this House and Ordered to lie on the Table

Adjourned till to Morrow Morning ten of the Clock

June 25

Wednesday Morning 25 June 1746

This House met again according to Adjournment

Present as Yesterday except Daniel Dulany Esq^r

Read the second time the Bill entituled an Act continuing an Act
Ent^d an Act for the Advancement of Justice; And the Bill entituled
an Act continuing an Act Entituled an Act for relieving the Inhabit-
ants of this Province from some Aggrievances in the Prosecution
of Suits at Law; and for continuing the Supplementary Act, thereto
passed and sent by Col^o Lloyd

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Two Bills from the Lower house by Mess^{rs} Bond and Stoddert
One Ent^d an Act continuing an Act of Assembly of this Province

Entituled an Act for the better Relief of poor Debtors, and one Entituled an Act for the better Relief of poor Debtors, and one Entituled an Act continuing an Act of Assembly of this Province Entituled an Act to prevent the ill Practices of Sheriffs in the Collecting and Payment of the Publick and County Levies thus Endorsed

U. H. J.
Liber No. 34

By the Lower House of Assembly 23 June 1746

Read the first Time and Ordered to lie on the Table

Signed p Order W^m Tilghman Cl Lo Ho.

By the Lower House of Assembly 25 June 1746

Read the second time and will pass

Signed p Order W^m Tilghman Cl Lo Ho.

Read the first Time in this House and Ordered to lie on the Table

Read the Petition of several the Inhabitants of Anne Arundel County praying that A Work house may be erected in the said County or some other Provision for the Publick Good as the Legislature might think proper, And Read the Petition of the Rector Vestrymen and Church Wardens of Christ Church Parish in Calvert County praying that an Assessment may be laid upon the Inhabitants of the said Parish to build them a Chappell of Ease instead of the old one now gone to Decay Referred to the Consideration of the Lower House of Assembly and sent by Samuel Chamberlain Esq^r

Read the Petition of the Vestrymen and Church Wardens of William and Mary Parish in Charles County complaining of many Irregularities committed by M^r Nathaniel Marell the present Incumbent of the said Parish and praying Redress, Ordered that the said Morell have a Copy of the said Petition and that he have Notice to attend this House on the Wednesday the 2^d of July next and Ordered that the Vestry of the said Parish attend at the same time to make good their Complaints against the said Morell

Adjourned till to Morrow Morning ten of the Clock

Thursday Morning 26 June 1746

June 26

This House met again according to Adjournment

Present as Yesterday with the Addition of Daniel Dulany Esq^r

Read the second time the Bill entituled an Act continuing an Act of Assembly of this Province Entituled an Act for the better Relief of poor Debtors and the Bill entituled an Act continuing an Act of Assembly of this Province Entituled an Act to prevent the ill Practices of Sheriffs in the Collecting & Payment of the Publick and County Levies; passed and sent by Daniel Dulany Esq^r

A Bill from the Lower House by Mess^{rs} Stoughton and Bond entituled an Act continuing an Act Entituled an Act for the speedy

U. H. J. Recovery of small Debts out of Court before a single Justice of the
Liber No. 34 Peace thus Endorsed

By the Lower House of Assembly 25 June 1746

Read the first Time and Ordered to lie on the Table

Signed p Order W^m Tilghman Ct Lo Ho.

By the Lower House of Assembly 26 June 1746

Read the second time and will pass

Signed p Order W^m Tilghman Ct Lo Ho.

Read the first Time in this House and Ordered to lie on the Table
Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

An Engrossed Bill from the Lower House by Mess^{rs} Hooper and [Harrison is omitted] Entituled an Act for issuing and taking out of the Office of the Commissioners or Trustees appointed for emitting Bills of Credit established by Act of Assembly the sum of Four thousand five hundred Pounds Current Money for Encouragement of such able bodied Freemen as shall voluntarily Enlist themselves into his Majestys Service for the intended Expedition against Canada; and for maintaining and conveying them to the place of Rendezvous as also for replacing of the said Sum, and for the better regulating Ordinaries and Ordinary Keepers and for other Purposes therein mentioned thus subscribed

26 June 1746

p. 128 Read and Assented to by the Lower House of Assembly
Signed p Order W^m Tilghman Ct Lo Ho.

Read and Assented to by this House and Ordered to be so Subscribed

The Paper Bill so Endorsed is sent to the Lower House by Col^o Hammond Daniel Dulany and Richard Lee Esq^{rs} are sent to the Lower House to acquaint the Speaker that his Excellency requires him and the rest of the Members of that House to attend him in the Upper House to see the Bill aforesaid which Passed both Houses this Session receive the Assent

The whole House attend and by their Speaker present to his Excellency the Bill entituled an Act for issuing and taking out of the Office of the Comm^{rs} or Trustees appointed for emitting Bills of Credit established by Act of Assembly the sum of Four thousand five hundred Pounds Current Money for Encouragement of such Able bodied Freemen as shall voluntarily enlist themselves into his Majestys

Service for the intended Expedition against Canada and for maintaining and conveying them to the Place of Rendezvous, as also for replacing of the said Sum and for the better regulating Ordinaries and Ordinary Keepers and for other Purposes therein mentioned, which his Excellency was pleased to give his Assent to and seal with his Lordships Greater Seal at Arms

U. H. J.
Liber No. 34

Four Engrossed Bills from the Lower House by Mess^{rs} Goldsborough and Addison, One Entituled an Act continuing an Act entituled an Act for the Advancement of Justice, And an Act Entituled an Act for continuing an Act of Assembly of this Province Entituled an Act for the better Relief of poor Debtors And an Act continuing an Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law and for continuing the supplementary Act thereto, and an Act continuing an Act of Assembly of this Province Entituled an Act to prevent the ill Practices of Sheriffs in the Collecting and Payment of the Publick and County Levies, severally thus subscribed

26 June 1746

Read and Assented to by the Lower House of Assembly

Signed p Order W^m Tilghman Cl Lo Ho.

Read and Assented to by this House and Ordered to be so subscribed

Adjourned till to Morrow Morning ten of the Clock

Friday Morning 27 June 1746

June 27

This House met again according to Adjournment

Present as Yesterday

Read the second time the Bill entituled an Act continuing an Act entituled an Act for the speedy Recovery of small Debts before a single Justice of the Peace passed and sent by Col^o Hollyday

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

An Engrossed Bill from the Lower House by Mess^{rs} Hall & Dennis p. 129 Entituled an Act continuing an Act entituled an Act for the speedy Recovery of small Debts out of Court before a single Justice of the Peace thus subscribed

27 June 1746

Read and Assented to by the Lower House of Assembly

Signed p Order W^m Tilghman Cl Lo Ho.

U. H. J. Read and Assented to by this House and Ordered to be so sub-
Liber No. 34 scribed

A Bill from the Lower House by Mess^{rs} Broome and Mackall
Entituled an Act impowering the Vestrymen and Church Wardens
of Christ Church Parish in Calvert County to build a Chappel of
Ease in the said Parish and to impower the Justices of said County
to levy on the taxable Inhabitants of the said Parish the sum of
Eighty thousand Pounds of Tobacco for the Uses therein mentioned
thus Endorsed

By the Lower House of Assembly 27 June 1746

Read the first and second time by especial Order and will pass

Signed p Order W^m Tilghman Ct Lo Ho.

Read the first Time in this House and Ordered to lie on the Table

Signed p Order J Ross Ct Up Ho.

A Bill from the Lower House by Mess^{rs} Henry and Scarburgh
Entituled an Act for erecting a County school in Worcester County
& appointing Visitors for the same thus Endorsed

By the Lower House of Assembly 26 June 1746

Read the first Time and Ordered to lie on the Table

Signed p Order W^m Tilghman Ct Lo Ho.

By the Lower House of Assembly 27 June 1746

Read the second time and will pass

Signed p Order W^m Tilghman Ct Lo Ho.

Read the first Time in this House and Ordered to lie on the Table
Adjourned till to Morrow Morning ten of the Clock

June 28 Saturday Morning 28 June 1746

This House met again according to Adjournment

Present as Yesterday except Col^o Hammond

Adjourned till Monday Morning ten of the Clock

June 30 Monday Morning 30 June 1746

This house met again according to Adjournment

p. 130

Present

the hon ^{ble}	{	Benjamin Tasker Esq ^r	{	Col ^o Edward Lloyd
		Col ^o George Plater		Daniel Dulany Esq ^r
		Edmund Jenings Esq ^r		Benj ^a Young Esq ^r
		Col ^o James Hollyday		Col ^o Benj. Tasker
		Col ^o Charles Hammond		Richard Lee Esq ^r
		Sannuel Chamberlain Esq ^r		

Mess^{rs} Hooper and Tilghman attend with M^r Grundy Pemberton U. H. J.
a Member elected for Queen Anns County in Order to see him quali- Liber No. 34
fied who takes the several Oaths to the Government required by Law
repeats and signs the Abjuration and Test and then withdrew

A Bill from the Lower House by Mess^{rs} Lloyd and Buchanan
Entituled an Act for raising four Pence, sterling p hhd on all To-
bacco to be Exported out of this Province for purchasing Arms and
Ammunition and for an immediate Supply of Arms for the Defence
of this Province thus Endorsed

By the Lower House of Assembly 27 June 1746
Read the first Time and Ordered to lie on the Table
Signed p Order W^m Tilghman Ct Lo. Ho.

By the Lower House of Assembly 28 June 1746
Read the second time & will pass
Signed p Order W^m Tilghman Ct Lo Ho.

Read the first Time in this House and Ordered to lie on the Table

A Bill from the Lower House by Mess^{rs} Hall and Scarburgh Ent^d
an Act for the easier and better securing the Estates of Debtors ab-
sconding and of Persons Bankrupt for the Use of their Creditors and
equal Distribution of the same thus Endorsed

By the Lower House of Assembly 23 June 1746
Read the first Time and Ordered to lie on the Table
Signed p Order W^m Tilghman Ct Lo Ho.

By the Lower House of Assembly 1 July 1746
Read the second time and will pass
Signed p Order W^m Tilghman Ct Lo Ho.

Read the first Time in this House and Ordered to lie on the Table
Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

Thursday Morning 1 July 1746

July 1

This House met again according to Adjournment

Present as Yesterday except Benj^a Young Esq^r

A Bill from the Lower House by Mess^{rs} Stoddert and Addison p. 131
Entituled an Act to divide Prince Georges County and to erect a new
one by the Name of Frederick County thus Endorsed

U. H. J.
Liber No. 34

By the Lower House of Assembly 26 June 1746

Read the first Time in this House and Ordered to lie on the Table
Signed p Order W^m Tilghman Cl Lo Ho.

By the Lower House of Assembly 1 July 1746

Read the second time and will pass

Signed p Order W^m Tilghman Cl Lo. Ho.

Read the first Time in this House and Ordered to lie on the Table
Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read the second time the Bill Entituled an Act for raising four Pence Sterling p hhd on all Tobacco to be exported for purchasing Arms and Ammunition and for an immediate supply of Arms for Defence of this Province and will pass with the following Amendments insted of the Words, the honble Colⁱ Edward Sprigg, in the 7th Line of 2^d Page, put, The Treasurer or Treasurers of this Province for the time being, instead of Col^o Edward Sprigg, throughout the Bill after the Words, and no more in the 7th Line of the 3^d Page to the Words, And Be it further Enacted, in the 7th Line of 4th Page to be left out, Leave out the two Provisoos in the Bill and the Clause relating to the Salary of the Armourer, the Bill so Endorsed is sent by Col^o Plater

Read the second time the Bill Entituled an Act for the Tryal of all matters of Fact in the several Counties where they have arisen or shall arise, and will not pass sent by Edmund Jenings Esq^r

Read the second time the Bill Entituled an Act for the Easier and better securing the Estates of Debtors absconding and of Persons Bankrupt for the Use of their Creditors and equal distribution of the same and will not pass, sent with the following Message by Richard Lee Esq^r

By the Upper House of Assembly 1 July 1746

Gentlemen

We herewith return You the Bill entituled an Act for the Easier and better securing the Estates of Debtors absconding and of Persons Bankrupt for the Use of their Creditors and equal Distribution of the same, with a Negative not only because it contains several Inconsistences & Contradictions, but also that it is contrary to the Condition upon which the Crown has Granted a Power of Legislation by the Charter to the Legislature of this Province

Signed p Order J Ross Cl Up Ho

Read the second time the Bill entituled an Act for erecting a County School in Worcester County and appointing Visitors for the same, and the Bill Entituled an Act empowering the Vestrymen and Church Wardens of Christ Church in Calvert County to build a Chappel of Ease in the said Parish and to Impower the Justices of said County to Levy on the Taxable Inhabitants of the said Parish the Sum of Eighty Thousand Pounds of Tobacco for the Uses therein mentioned Passed and sent by Col^o Lloyd

U. H. J.
Liber No. 34
p. 132

Adjourned till to Morrow Morning ten of the Clock

Wednesday Morning 2 July 1746

July 2

This House met again according to Adjournment

Present as Yesterday

Read the second time the Bill entituled an Act for Limitation of Officers fees and will not pass, and sent by Samuel Chamberlain Esq^r

Read the second time the Bill ent^d an Act to divide Prince Georges County and to erect a new one by the Name of Frederick County and will not Pass sent by Daniel Dulany Esq^r

Two Engrossed Bills from the Lower House by Mess^{rs} Broome & Roberts One Entituled an Act for erecting a County School in Worcester County and appointing Visitors for the same And an Act empowering the Vestrymen and Church Wardens of Christ Church Parish in Calvert County to build a Chappel of Ease in the said Parish and to impower the Justices of said County to levy on the Taxable Inhabitants of the said Parish the sum of Eighty thousand Pounds of Tobacco for the Uses therein mentioned thus subscribed

2 July 1746

Read and Assented to by the Lower House of Assembly

Signed p Order W^m Tilghman Cl Lo Ho

Read and Assented to by this House and Ordered to be so subscribed

Read the Petition of the several Naval Officers of this Province, praying sothe Directions may be given them to what Persons they shall remit the fifteen Pence p hhd received by Virtue of the Paper Currency Act Mess^{rs} Samuel Hyde and Robert Cruckshanks two of the Trustees ment^d in the said Act having failed Referred to the Lower House and sent by Col^o Hammond

A Bill from the Lower House by Mess^{rs} Addison and Dulany Ent^d A Supplementary Act to the Act entituled an Act for laying out the Town anew commonly called Upper Marlborough Town in Prince Georges County thus Endorsed

U. H. J.
Liber No. 34

By the Lower House of Assembly 2 July 1746
Read the first and second time by Especial Order & will pass
Signed p Order W^m Tilghman C^t Lo Ho.
Read the first Time in this House and Ordered to lie on the Table
Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

p. 133 This House met again according to Adjournment
Present as in the Morning
Adjourned till to Morrow Morning ten of the Clock

July 3 Thursday Morning 3 July 1746

This House met again according to Adjournment
Present as Yesterday
The Journal of Accounts is brought from the Lower House by
M^r Worthington and others thus subscribed
3^d July 1746
Read and Assented to by the Lower House of Assembly
Signed p Order W^m Tilghman C^t Lo Ho.
Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment
Present as in the Morning
A Bill from the Lower House by Mess^{rs} Dulany and Scarburgh
Ent^d an Act impowering the Justices of Talbot and Saint Marys
County Courts to Allow at the laying their next County Levy unto
Jonas Green of the City of Annapolis Printer the sums therein
ment^d thus Endorsed

By the Lower House of Assembly 3 July 1746
Read the first and second time by Especial Order and will pass
Signed p Order W^m Tilghman C^t Lo Ho.
Read the first and second time by especial Order in this House
Passed and sent by Col^o Tasker
A Message from the Lower House by Mess^{rs} Harriss and
Harrison

By the Lower House of Assembly 3 July 1746
May it please Your Honours
We are credibly Informed that there are Letters from M^r Joseph
Adams Merchant in London signifying that the Lord Baltimore hath

thought fit to appoint him one of the Trustee for negotiating the fifteen Pence p^h raised by Virtue of an Act entituled an Act for making and emitting Ninety Thousand Pounds Current Money of Maryland in Bills of Credit and of which Appointment this House doth Approve

U. H. J.
Liber No. 34

We therefore think proper that the several Naval Officers direct their Letters and Bills for that Duty to Mess^{rs} William Hunt and Joseph Adams Merchants in London

Signed p Order W^m Tilghman Cl Lo Ho.

An Engrossed Bill from the Lower House by Mess^{rs} Hall and Dennis Entituled an Act impowering the Justices of Talbot and Saint Marys County Courts to allow at the laying their next County Levy unto Jonas Green of the City of Annapolis Printer the sums therein mentioned thus subscribed

3 July 1746

Read and Assented to by the Lower House of Assembly

Signed p Order W^m Tilghman Cl Lo Ho.

Read and Assented to by this House and Ordered to be so Subscribed

Adjourned till to Morrow Morning ten of the Clock

Friday Morning 4 July 1746

This House met again according to Adjournment

July 4
p. 134

Present as Yesterday

Richard Lee Esq^r from the Committee of both Houses appointed to inspect the Paper Currency Office brings in the following Report

At A Committee of both Houses of Assembly appointed to inspect the Office and Proceedings of the Commissioners for Emitting the Bills of Credit established by Act of Assembly and to Report the State and Condition thereof

2 July 1746

Were Present

The honourable Richard Lee Esq^r of the Upper House

Col ^o John Henry	M ^r Abraham Barnes	} of the Lower House
M ^r John Stoddert	Col ^o John Hall	
M ^r Edw ^d Tilghman		

Who make Choice of the hoñble Richard Lee Esq^r their Chairman and Richard Dorsey to be their Clerk

Your Committee upon Inspection into the state and Condition of the Office aforesaid do find that by the last Account transmitted by the Trustees in London appointed by Act of Assembly for emitting and making Current 90000£ Current Money of Maryland in Bills

U. H. J. of Credit to the Commrs or Trustees in Maryland there is a Ballance
 Liber No. 34 of £15000 Capital Stock in the Bank of England and that the said
 Account is Signed Sam^l Hyde W^m Hunt

Perused 7 Baltimore

Which is submitted to the Consideration of this House

Richard Lee

At A Committee of both Houses of Assembly appointed to Inspect
 the Office and Proceedings of the Commrs for emitting Bills of
 Credit established by Act of Assembly and to Report the State and
 Condition thereof 3 July 1746

Were Present

The hoñble Richard Lee Esq^r of the Upper House

Col ^o John Henry	Mr Edw ^d Tilghman	} Of the Lower House
Mr John Stoddert	Mr Abr ^m Barnes	

p. 135 Your Committee find that there is still due from several Sheriffs
 of this Province on Account of the Publick Assessments by Virtue
 of an Act of Assembly Entituled an Act for issuing and Paying out
 of the Office of the Commissioners or Trustees for Emitting Bills
 of Credit Established by Act of Assembly the sum of £2562..10..
 Current Money in Bills of Credit to be applied for the Encourage-
 ment of Persons voluntarily Inlisting themselves in his Majestys
 Service the Sum of £400.19..9¼ and also the sum of £1093..15..11½
 for Ordinary License Fines arising due by Virtue of an Act entituled
 an Act for raising and issuing Money for maintaining his Majestys
 Forces to be raised within this Province and for transporting them
 to the Place of Rendezvous in the West Indies as by the respective
 Accounts hereunto annexed may Appear

D ^r Samuel Smith Anne Arundel County				C ^r
1742	To List Licenses	72..10..0	By Commission	15.. 7.. 9
1743	To ditto	107..10..0	By Money paid	
			1742	59.. 7.. 6
1744	To ditto and fines	127..15..0	By ditto 1746	141.. 0.. 0
		£307..15..0	Ballance	91..10.. 0
				£307..15.. 0

D ^r	William Thornton Anne Arundel County	C ^r	
1745	To List of Licenses	} 105..0..0	
	and Fines		
		By Commission	5.. 5.. 0
		Ballance	99..15.. 0
			£105.. 0.. 0

D ^r Walter Hanson Charles County			C ^r	U. H. J. Liber No. 34
1740	To List of Licenses	25..0..0 By Commission	01.. 5.. 0	
			Ballance	23..15.. 0
				£25.. 0.. 0
D ^r Richard Tarvin Charles County			C ^r	
1742	To List of Licenses	27..10..0 By Commission	3..10.. 0	
1743	To ditto	42..10..0 Ballance	66..10.. 0	
			70.. 0..0	70.. 0.. 0
D ^r Samuel Hanson of Charles County			C ^r	
1744	To List of Licenses	50.. 0..0 By Commission	3..17.. 6	
1745	To ditto	27..10..0 Ballance	73..12.. 6	
			77..10..0	77..10.. 0
D ^r Edw ^d Trippe of Dorchester County			C ^r	
1740	To List of Licenses	5.. 0..0 By Commission	1.. 5.. 0	
1741	To ditto	10.. 0..0 Ballance	23..15.. 0	
1742	To ditto	10.. 0..0		
			25.. 0..0	
D ^r Thomas Muir of Dorchester County			C ^r	
1743	To List of Licenses	12..10..0 By Commission	2.. 2.. 6	
1744	To ditto	12..10..0 By Money paid		
			1743	11..17.. 6
1745	To ditto	17..10..0 Ballance	28..10.. 0	
			42..10..0	42..10.. 0
D ^r John Cartwright Saint Marys County			C ^r	p. 136
1740	To List of Licenses	5.. 0..0 By Commission	0.. 5.. 0	
			Ballance	4..15.. 0
			5.. 0.. 0	
D ^r William Cartwright Saint Marys County			C ^r	
1741	To List of Licenses	10.. 0..0 By Commission	1..17.. 6	
1742	To Ditto	15.. 0..0 By Money paid	23..15.. 0	
1743	To Ditto	12..10..0 By ditto	9..10.. 0	
			37..10..0	Ballance
			2.. 7.. 6	
			37..10.. 0	

U. H. J.	Dr	Gilbert Ireland Saint Marys County		Cr
Liber No. 34	1745	To List of Licenses	17..10..0 By Commission	0.. 17.. 6
			Ballance	16..12.. 6
				17..10.. 0
	Dr	John Parran Calvert County		Cr
	1740	To List of Licenses	12..10..0 By Commission	0..12.. 6
			Ballance	11..17.. 6
				12..10.. 0
	Dr	James Somerville Calvert County		Cr
	1744	To List of Licenses	10.. 0..0 By Commission	1.. 2.. 6
		To two Licenses re-	} 5.. 0..0	Ballance
		turned by Gabriel		
		Parker due from		
		John Wood and		
		put into your		21.. 7.. 6
		Hands to Collect		22..10.. 0
	1745	To List of Licenses	7..10..0	
			22..10..0	
	Dr	Simon Wilmer Kent County		Cr
	1740	To List of Licenses	35.. 0..0 By Commission	1..15.. 0
			Ballance	33.. 5.. 0
				35.. 0.. 0
	Dr	William Harris Kent County		Cr
	1741	To List of Licenses	30.. 0..0 By Commission	4..10.. 0
	1742	To ditto	30.. 0..0 Ballance	85..10.. 0
	1743	To ditto	30.. 0..0	90.. 0.. 0
			90.. 0..0	
	Dr	Daniel Cheston Kent County		Cr
	1744	To List of Licenses	37..10..0 By Commission	3.. 0.. 0
	1745	To ditto	22..10..0 By Money paid	
			1744	35..12.. 6
			60.. 0..0 Ballance	21.. 7.. 6
				60.. 0.. 0

D ^r James Rigbye Baltimore County			C ^r	
1740	To List of Licenses	47..10..0	By Commission	7..15.. 0
1741	To ditto	37..10..0	By Money paid	93.. 8.. 4½
1742	To ditto	62..10..0	Ballance	53..16.. 7½
To ditto for 3 fines				155.. 0.. 0
as p Note on				
Clerks List				
				7..10..0
				155.. 0..0

D ^r John Ristean Baltimore County			C ^r	p. 137
1743	To List of Licenses	42..10..0	By 3 fines paid	
			Ja ^s Rigbie	7..10.. 0
1744	To ditto	57..10..0	By Money paid	
			for 1743	30..10.. 0
1745	To ditto	67..10..0	Commission	8.. 0.. 0
			Ballance	121..10.. 0
		167..10..0		167..10.. 0

D ^r Benjamin Bradford Cecil County			C ^r	
1740	To List of Licenses	32..10..0	By Commission	3..15.. 0
1741	To ditto	42..10..0	Ballance	71.. 5.. 0
		75.. 0..0		75.. 0.. 0

D ^r John Thompson Cecil County			C ^r	
1742	To List of License	27..10..0	By Commission	6.. 7.. 6
1743	To ditto	42..10..0	By Money paid	80..12.. 8
1744	To ditto	57..10..0	Ballance	40.. 9..10
		127..10..0		127..10.. 0

D ^r John Smith Cecil County			C ^r	
1745	To List of Licenses	45.. 0..0	By Commission	2.. 5.. 0
			Ballance	42..15.. 0
				45.. 0.. 0

D ^r John Cooke Prince Georges County			C ^r	
1743	To List of Licenses	65.. 0..0	By Insolvencies	
			1743	10.. 0.. 0
1744	To ditto	72..10..0	By ditto 1744	20.. 0.. 0
1745	To ditto	70.. 0..0	Commission	2..17.. 6
		207..10..0	By Money paid	102.. 2.. 6
			Ball ^c for 1745	67..10.. 0
				207..10.. 0

U. H. J. Liber No. 34	D ^r John Dennis Junior Somerset County		C ^r
1743	To List of Licenses	15.. 0..0 By Commission	1..17.. 6
1744	To ditto	12..10..0 By Money paid	26.. 2.. 6
1745	To ditto	10.. 0..0 Ballance	9..10.. 0
		37..10..0	37..10.. 0

	D ^r Doctor Richard Porter Talbot County		C ^r
1742	To List of Licenses	15.. 0..0 By Commission	2..12.. 6
1743	To ditto	20.. 0..0 By Money paid	
		1744	19.. 0.. 0
1744	To ditto	17..10..0 By ditto	23..15.. 0
		52..10..0 Ballance	7.. 2.. 6
			52..10.. 0

	D ^r Jacob Hindman Talbot County		C ^r
1745	To List of Licenses	15.. 0..0 By Commission	0..15.. 0
		Ballance	14.. 5.. 0
			15.. 0.. 0

	D ^r James Martin Worcester County		C ^r
1743	To List of Licenses	32..10..0 By Commission	3.. 2.. 6
1744	To ditto	17..10..0 Ballance	59.. 7.. 6
		12..10..0	62..10.. 0
		62..10..0	

p. 138 A List of Money due from the several Sheriffs for the Publick Assessments above mentioned

1741	Richard Tarvin Sheriff of Charles County	47..11..11
1742	George Tarvin Sheriff of Charles County	99.. 9.. 7 ³ / ₄
1741	William Harris Sheriff of Kent County	36..16.. 8
1741	& 42 Edward Trippe Sheriff of Dorchester County	110..15..10 ³ / ₄
1742	Doctor Richard Porter Sheriff of Talbot County	76.. 8.. 6
1741	Benjamin Bradford Sheriff of Cecil County	29..13.. 1 ¹ / ₂
1742	John Thompson Sheriff of Cecil County	0.. 4.. 0 ¹ / ₄
		400..19.. 9 ¹ / ₄

Your Committee take Leave to Observe that at the request of the U. H. J. Commissioners they did count over and see Burnt to Ashes the following torn and defaced Bills amounting to £2439..10..6 viz. Liber No. 34

365 Bills of 20s Value	365.. 0..0
584 ditto of 15s	438.. 0..0
1199 ditto of 10s	599..10..0
1891 ditto of 5s	472..15..0
2279 ditto of 2/6	284..17..6
2256 ditto of 1/6	109.. 4..0
2204 ditto of 1/	110.. 4..0
	£2439..10..6

Your Committee also find the following Insolvents returned on Account of the Ordinary Licenses viz.

1740 Nathaniel Peddiccoat	2..10
Henry Jones	2..10
Thomas Haughton	2..10
John Tolson	2..10
Henry Cramphin	2..10
William Davis	2..10
Thomas Brown	2..10

17..10 by John Hepburn Shf
P. Geo.

1741 Eleanor Pratt	2..10
Thomas Brown	2..10
John Hussey	2..10
Sophia Vernon	2..10
Samuel Hervings	2..10
Thomas Haughton	2..10
Hugh Thompson	2..10
John Belt	2..10

20 by D^o

1742 Thomas Morris	2..10
Thomas Middleton	2..10
John Speake	2..10
Henry Jones	2..10

10 by D^o

1743 Kezier Martin	2..10
Edward Wyatt	2..10
Richard Gregory	2..10
Robert Grey	2..10

10 by John Cook Sheriff of D^o

U. H. J. 1744 Liber No. 34 p. 139	William Payne	2..10
	Mary Griffis	2..10
	John Talbot	2..10
	W ^m Hayward	2..10
	Aaron Price	2..10
	William Potter	2..10
	John Hopkins	2..10
	Isaac Broomfield	2..10

20 By Ditto

1740	Anthony Lecompt	2..10
1741	Mary Frith	2..10

5 By Jere Nichols Sheriff
Talbot

1740	Robert Crump	2..10
1743	David Price for a } fine runaway }	2..10

By Edw^d Tilghman Sheriff
Q Anns

1744	Isaac Jones for ditto } in Custody }	2..10
------	---	-------

5 By T. H. Wright Sheriff
D^o

1742	Grace Howard dead	2..10
1742	John Wood	2..10
1743	John Wood	2..10

7..10 Gabriel Parker Shf Cal-
vert

Your Committee apprehend further Reports necessary to be made, but think proper, as they imagine the Conclusion of this Session nearly approaches now to make the foregoing. All which is submitted to the Consideration of Both Houses by

Richard Lee	John Henry
Edward Tilghman	John Stoddert
Abraham Barnes	

The Journal of the Committee of Accounts being Read is sent to the Lower House with the following Message by Samuel Chamberlain Esq^r

By the Upper House of Assembly 4 July 1746
Gentlemen

We find You have Omitted in the Journal of Accounts to make an Allowance of part of the Chancellors fees, also part of the Secretarys fees

We also observe you have not made the several Allowances mentioned in the Message from this House on 1 June 1744 and 28 September 1745

We send herewith an Account of Money due to the Governor for U. H. J.
Expresses sent to the Governor of Virginia amounting to ten Pounds Liber No. 34
Paper Money and two Pistoles

Herewith You also have two Accounts amounting to five Pounds
Paper Money due to the Printer for Publick Services

When all these aforementioned Allowances are made the Journal
will pass this House Signed p Order J Ross Cl Up Ho

Read the second time the Bill Entituled a Supplementary Act to
the Act Entituled an Act for laying out the Town anew commonly
called Upper Marlborough Town in Prince Georges County, and
will not pass sent by Col^o Hammond

Read the Petition of Araminta Alexander of Cecil County Widow p. 140
and Executrix of William Alexander of the said County Gent, pray-
ing Leave to bring in a Bill for the sale of the said William Alexan-
der's Estate for the Payment of his Debts, Rejected

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

Saturday Morning 5 July 1746

July 5

This House met again according to Adjournment

Present as Yesterday

Adjourned till Monday Morning ten of the Clock

Monday Morning 7 July 1746

July 7

This House met again according to Adjournment

Present

the hoñble	{	Benjamin Tasker Esq ^r	{	Samuel Chamberlain Esq ^r
		Col ^o George Plater		Daniel Dulany Esq ^r
		Edmund Jenings Esq ^r		Col ^o Benj. Tasker
		Col ^o James Hollyday		

Adjourned till 3 of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

U. H. J.
Liber No. 34
July 8

Tuesday Morning 8 July 1746

This House met again according to Adjournment

Present as Yesterday

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

The several Paper Bills the Originals of which have Passed this House this Session are sent to the Lower House by Samuel Chamberlain Esq^r

Mess^{rs} [N. Goldsborough and Brome] from the Lower House acquaint his Excellency that their House hath no Business before them

Samuel Chamberlain Esq^r is sent to the Lower House to acquaint the Speaker that his Excellency requires his immediate Attendance with the Lower House in the Upper House

p. 141 The Lower House attend and by their Speaker present to his Excellency the following Bills viz.

An Act continuing an Act entituled an Act for the Advancement of Justice

An Act continuing an Act of Assembly of this Province Entitlued an Act for the better Relief of poor Debtors

An Act continuing an Act entituled an Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecutions of Suits at Law and for continuing the supplementary Act thereto

An Act continuing an Act of Assembly of this Province Entituled an Act to prevent the ill Practices of Sheriffs in the Collecting & Payment of the Publick and County Levies

An Act continuing an Act Entituled an Act for the speedy Recovery of small Debts out of Court before a single Justice of the Peace

An Act for erecting a County School in Worcester County and appointing Visitors for the same

An Act empowering the Vestrymen and Church Wardens of Christ Church Parish in Calvert County to build a Chappel of Ease in the said Parish and to empower the Justices of the said County to levy on the taxable Inhabitants of the said Parish the sum of Eighty Thousand Pounds of Tobacco for the Uses therein mentioned

An Act empowering the Justices of Talbot and Saint Marys County Courts to allow at their next laying the County Levy unto Jonas Green of the City of Annapolis Printer the sums therein mentioned

All which his Excellency passed into Laws in the Usual Form by sealing them with the Right Honourable the Lord Proprietarys Great Seal at Arms and subscribing them on Behalf of the Right Honourable the Lord Prop^{ty} of this Province I will this be a Law, the Bill entituled an Act for taking and issuing out of the Office of the Commissioners or Trustees appointed for Emitting Bills of Credit established by Act of Assembly the Sum of four Thousand five hundred Pounds Current Money for Encouragement of such Able Bodied Freemen as shall Voluntarily Enlist themselves in his Majestys Service for the intended Expedition against Canada and for maintaining and conveying them to the Place of Rendezvous and also for replacing of the said Sum and for the better regulating Ordinaries and Ordinary Keepers, and for other Purposes therein mentioned, being passed into a Law before

After which his Excellency was pleased to conclude this Session with the following Speech

Gentlemen of the Lower House of Assembly

You may always Assure Yourselves of my being greatly pleased with every real Disposition You shew of Loyalty to his Majesty and Compliances with his Royal Commands, but certainly the Act passed this Session for subsisting and conveying the Levies, would have been more agreeable to his Majestys Directions of raising as many as We could, if the Bounty had not been confined to three Hundred And I should have found it more practicable to conform to his Majestys Order in providing Cloaths for such Men if You would have consented any Surplus Money more than what was necessary for the Express Purposes of that Act might have been made Use of for such Occasion of Cloaths, to be replaced by the Allowance directed by his Majesty to be made by General S^t Clair, Nor do I understand why this Surplus was refused by You, to be applied to so necessary a Purpose as Cloathing the Troops when such an Application would have been only lending for the Good of the Service part of the Money given

At the same time that I take this Opportunity of desiring you to be satisfied that I never having entertained the least thought of infringing your Priviledges in any Respect I must also acquaint You, that I very heartily wish some Reports of a new and dangerous Doctrine (viz. the more Confusion the better) which in no sense can be allowed to be within the Privilege and Freedom of Speech, may prove groundless, and that I may never be forced by the Duty of my Station, to the disagreeable Necessity of taking Notice of any Words spoken in your House which no Rule of Parliament can Privilege

U. H. J. Gentlemen of the Upper and Lower Houses of Assembly

Liber No. 34

As I have now on my Part passed all the Laws offered me this Session, I hope you will on Yours, do everything for promoting the Peace of your Several Counties and a due Observation of the Laws

I have by the Advice of his L^{dps} Council of State thought fit to Prorogue this Assembly to the first Tuesday in November next and You are to take Notice You are prorogued to that Day accordingly

Thus Ends this Session of Assembly begun and held at the City of Annapolis the seventeenth day of June and ending the eighth day of July following in the thirty second Year of his Lordships Dominion and in the twentieth Year of his Majestys Reign Annoq Domini
1746

J^o Ross C^t

PROCEEDINGS

THE LOWER HOUSE OF ASSEMBLY

At a Session of Assembly begun and held at the City of Annapolis on Tuesday the seventeenth Day of June 1746, and in the Thirty second Year of the Dominion of the Right Honourable Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore &^{ca} His Excellency Thomas Bladen Esq Governor, the following Members appeared in the Lower House of Assembly viz.

L. H. J.
Liber No. 46
1746
June 17
p. 577

The Honourable Col^o Edward Sprigg, Speaker.

For St. Mary's County

M^r Abraham Barnes
M^r Zachariah Bond
M^r James Mills

For Talbot County

M^r Robert Lloyd
M^r William Thomas

For Dorchester County

Col. Henry Hooper

For Kent County

M^r George Wilson
M^r John Gresham
M^r Richard Gresham
M^r Matthias Harris

For Cecil County

M^r Joshua George
M^r Benjamin Pearce
M^r Nicholas Hyland
M^r Peter Bayard

For Ann Arundel County

D^r Charles Carroll
M^r Thomas Worthington
Maj. Henry Hall

For Prince George's County

M^r Turnor Wootton
M^r John Stoddert

For Calvert County

M^r Walter Smith

For the City of Annapolis

Capt. Robert Gordon

For Charles County

M^r John Courts
M^r Bayne Smallwood
M^r Richard Harrison

For Queen Ann's County

M^r Thomas Hammond
Capt. William Hopper
Capt. Edward Tilghman

For Somerset County

Col Robert King

For Worcester County

Col^o John Henry

D^r Carroll and M^r Tilghman are sent to acquaint the Governor, p. 578 that a Number of Members sufficient to compose a Lower House of Assembly, was met at the Stadt House. Edmund Jennings Esq

L. H. J. and Col. Hammond from the Upper House, acquaint M^r Speaker Liber No. 46 that the Governor desires his Attendance, with the rest of the Members in the Upper House.

M^r Speaker, with the Members, accordingly went to the Upper House where his Excellency made the following Speech. (See page 283.)

p. 579 M^r Speaker and the Members return to their House, and M^r Speaker resumes the Chair.

M^r George Wilson a returned Member for Kent County and M^r Joshua George, a member returned for Cecil County, being Absent the first Meeting of this Assembly, M^r Richard Gresham and M^r Nicholas Hyland are sent with them to the Upper House to see them Qualified: They return and Acquaint M^r Speaker they saw them Qualified in the usual manner. The Gentlemen take their Seats in the House.

The House continues the Several Committees, with their respective Clerks, Appointed at the first meeting of this Assembly. M^r George is Added to the Committee of Laws

Ordered, That the Committee of Laws prepare an Address to the Governor, on his Speech Resolved, That the House will take into consideration To-morrow morning, that Part of the Governor's Speech which relates immediately to his Majesty's Service

The House adjourns till To-morrow Morning, 8 of the Clock.

June 18

Wednesday Morning June 18. 1746.

The House met according to Adjournment, and the Proceedings of yesterday were read, M^r Stoughton, Col. Dashiell, M^r Robins, Col. Scarborough, M^r John Goldsborough, M^r Philip Hammond, M^r Addison Col Hall, and D^r Buchanan, appear in the House

M^r Nicholas Goldsborough a returned Member for Talbot County, likewise appears in the House, who being Absent the first meeting of this Assembly, M^r Thomas and M^r John Goldsborough are sent with him to the Upper House to see him qualified. They return and Acquaint M^r Speaker they saw him qualified in the usual manner.

The Gentleman takes his seat in the House, and is added to the Committee of Laws.

M^r Speaker receives from his Excellency the Letters from the Governor of New York and New England mentioned in his Speech which were read, and ordered to lie for the perusal of the Members.

D^r Carroll delivers M^r Speaker an Address to the Governor on his Speech, which was read approved of, and ordered to be Ingrossed.

Resolved, That this House will resolve it self into a Grand Committee at two of the Clock in the Afternoon to consider of ways and

means for Answering his Majesty's commands relating to the Expedition against Canada. The following ingrossed Address to the Governor being read, and Assented to, was ordered on behalf of the House to be signed by the Honourable Speaker Viz. To his Excellency Thomas Bladen Esq^r Governor of Maryland

L. H. J.
Liber No. 46

The humble Address of the House of Delegates
May it Please your Excellency

We his Majesty's most loyal and dutiful Subjects the Delegates of the Freemen of Maryland in Assembly convened, assure your Excellency, that we shall make use of this and every other meeting, with the greatest Chearfulness, and as much as in us lies, for His Majesty's Honour and Service and the Welfare of our Constituents: and that upon the Present Occasion (so far as is required of us, by our Gracious Sovereign) we will more Particularly exert our best Endeavours to do every reasonable Thing in our Power consistent with the Condition of the People we represent to promote the raising of Forces, and providing for them in the entended Expedition against Canada. p. 580

This House having upon Every Occasion given the strongest Testimony of Duty and Loyalty, we hope it will not be doubted but that a success to this Enterprize is as evidently wished for by us as Any of his Majesty's Subjects, as our loyal Breasts are filled with an equal hearty and warm Zeal for the Honour and Glory of the Crown of Great Britain and every advantage that may arise to our Mother Country, as well as for our own immediate safety.

The Letters from the Governors of New York and New England, which your Excellency has been Pleased to lay before us, shall have a due Consideration; and we hope that our Result thereon, as well as in all other Matters relating to the Trust reposed in us, will to every judicious, impartial, and Honest man, manifest our Zeal Loyalty and Prudence

As we are very sensible that His Majesty's Service on the Present Occasion requires the utmost Dispatch, we are therefore determined to give it such as it's nature will admit of, in Order to which, your Excellency's laying before this House the Letter from his Grace the Duke of Newcastle, or other His Majesty's Commands which relate to the Part we are to Act, will greatly contribute. Col King and M^r Barnes are sent to Acquaint his Excellency that this House hath prepared an Address to him and desires to know when and where he will be pleased to receive it: They return and acquaint M^r Speaker his Excellency will be ready to receive it immediately in the Conference Chamber.

Col. King with Thirteen others, sent to present the Address; They return and Acquaint M^r Speaker they have presented it

L. H. J. M^r Speaker receives from his Excellency the Duke of Newcastle
Liber No. 46 Letter mentioned in his Speech, which was read, and ordered to lie
for the Perusal of the Members

The House adjourns til 2 of the Clock

Post Meridiem

The House met according to Adjournment. M^r Dennis appears in the House. The House resolves it self into A Committee of the whole House, and M^r Speaker leaves the Chair. M^r Speaker resumes the Chair and M^r George from the Committee of the whole House reports to the House the following resolution agreed upon by the said Committee, which were ordered to lie for a further Consideration Viz.

Resolved, That a Sum of Money not exceeding Four thousand five hundred Pounds be taken out of the Loan office for the Purposes following Viz.

Resolved, That fifteen hundred Pounds, part thereof, be applyed as Bounty money for Three Hundred able bodied men who shall voluntarily inlist themselves in his Majesty's Service for the intended Expedition against Canada, at five pounds per man

p. 581 Resolved That three Thousand Pounds the Residue be applied to support and convey the said men till they arrive at Albany, or such other place of Rendezvous as shall by M^r Gooch, Lieutenant Governor of Virginia be appointed.

Resolved, That the said Sums, amounting in the whole to four Thousand five Hundred Pounds, be replaced in the Loan Office by an Ordinary License Bill to be prepared for that purpose, which Bill shall include this his Majesty's Service. The House adjourns 'til To-morrow Morning 9 of the Clock

June 19 Thursday Morning June 19. 1746.

The House met according to adjournment, and the Proceedings of Yesterday were read.

Capt. Ennalls appears in the House. Ordered that the Committee appointed to inspect the state and Condition of the Arms and Ammunition &c do enquire what Quantity of Arms and warlike Stores there is in the Province belonging to the Public, and that they immediately make report thereof to the House. M^r [Wilson] and M^r Nicholas Goldsborough added to the Committee of Aggrievances &c M^r Speaker Communicates to the House the Governors Answer to their Address on his speech which is as follows Viz.

Gentlemen of the Lower House of Assembly

Your Address gives me much Satisfaction: I can make no doubt but that you will Act upon the present important Occasion as be-

comes good and loyal Subjects; And I hope, for the Happiness of this Country your resolutions will always be such, as will merit the Approbation of Iudicious impartial, and honest men

T. Bladen

The House appoints Col. Henry M^r Stoddert M^r Tilghman M^r Barnes and Col. Hall A Committee to inspect the Acco^{ts} and Proceedings of the Commis^{rs} of the Paper Currancy office

The following Message was sent to the Upper House by M^r Tilghman and M^r Barnes (See page 286.)

The House adjourns 'til 2 of the Clock

Post Meridiem

The House met According to adjournment

Richard Lee Esq; from the Upper House delivers M^r Speaker the following Message. (See page 287.)

M^r Sheredine appears in the House

Resolved That Hours of Sitting this Session be from 9 to 12 in the Morning and from 2 to 6 in the afternoon

Ordered That M^r Worthington acquaint the Rev M^r Gordon, that he is desired by this House to read Divine Service at the Hour of 7 in the morning, and 6 in the afternoon.

The House adjourns 'til To-morrow Morning 9 of the Clock

Friday Morning June 20. 1746

June 20

The House met According to Adjournment, and the Proceedings of Yesterday were read

The House having considered the resolutions reported by M^r George from the Grand Committee on Wednesday last doth concur therewith M^r John Brome a Member returned for Calvert County, Appears in the House who being Absent the first Meeting of this Assembly, M^r Smith and M^r Harrison are sent with him to the Upper House to see him Qualified: They return and Acquaint M^r Speaker they saw him qualified in the usual manner.

The Gentleman takes his Seat in the House.

A Question was put whether the following shall be made a Resolve of this House Viz.

Resolved by this House, That as the Circumstances of the People of this Province will not admit of granting Any further Sum of Money towards the Support of the Intended Expedition against Canada, therefore, if any Occasion for money on Acco^t of that Expedition should hereafter appear that do not now occur, those occasions shall be Answered out of the sum already granted.

Resolved in the Affirmative

L. H. J.
Liber No. 46

For the Affirmative

Mr Bond	Mr Harrison	Mr Sheridine
Mills	King	John Hall
Wilson	Dennis	Buchanan
I. Gresham	N. Goldsborough	Wootton
R. Gresham	Lloyd	Addison
Phil. Hammond	Thomas	Stoddert
Carroll	J. Goldsborough	Gordon
Worthington	Hooper	T. Hammond
H. Hall	Ennalls	Hopper
Smith	George	Tilghman
Brome	Pearce	Robins
Courts	Hyland	
Smallwood	Bayard	

For the Negative

Mr Barnes	Mr Dashiell	Mr Scarborough
Stoughton	Henry	

Ordered That the Committee of Laws prepare and bring in a Bill for issuing and taking out of the office of the Commrs^{rs} or Trustees appointed for emitting Bills of Credit established by Act of Assembly, the sum of four Thousand five Hundred Pounds Currant Money for Encouragement of such Able bodied Freemen as shall voluntarily enlist themselves into his Majesty's Service for the Intended Expedition against Canada, and for maintaining and conveying them to the place of Rendezvous; as also for replacing of the said Sum, and for the better regulating Ordinaries and Ordinary Keepers, and for Other purposes therein mentioned. A Motion being made by a Member that a Clause may be inverted in the said Bill for laying a Duty on Tobacco, for the Payment of an Agent and Council in London, to be employed for the Service of this Province the Question was put, Whether the said Clause shall be inserted. Resolved in the Negative.

For the Negative

Mr Barnes	Mr Dennis	Mr John Hall
Bond	Lloyd	Buchanan
Mills	Thomas	Addison
I. Gresham	J. Goldsborough	Gordon
R. Gresham	Hooper	T. Hammond
Harris	Ennalls	Hopper
Harrison	George	Tilghman
Stoughton	Pearce	Henry
King	Hyland	Robins
Dashiell	Bayard	Scarborough

For the Affirmative

L. H. J.
Liber No. 46

M ^r Wilson	M ^r Smith	M ^r Sheredine
P. Hammond	Brome	Wootton
Carroll	Courts	Stoddert
Worthington	Smallwood	
Henry Hall	N. Goldsborough	

The House Adjourns 'til 2 of the Clock

Post Meridiem

p. 583

The House met according to Adjournment M^r Paca appears in the House

On motion of a Member, Leave is given to bring in A Bill for Limitation of officers Fees and ordered, that the Committee of Laws prepare and bring in the same. It appearing to the House that M^r Francis Lee, A Member returned for Dorchester County hath Accepted of a County Clerkship since his Election

Ordered, that M^r Speaker issue his Warrant to the Secretary of this Province to make out a Writ directed to the Sheriff of the said County, for the Electing a Member to serve in this Present Assembly, in the stead of the said M^r Lee

On motion of a Member, Leave is given to bring in a further supplementary Bill to the Act entituled, An Act relating to Servants and Slaves and ordered that the Committee of Laws prepare and bring in the same

The House adjourns 'til To-morrow morning 9 of the Clock.

Saturday Morning June 21. 1746

June 21

The House met according to Adjournment, and the proceedings of Yesterday were read M^r Philip Hammond absent

On Motion of a Member, Leave is given to bring in a Bill for the easier and better securing the Estates of Debtors absconding, and of persons Bankrupt, for the use of their Creditors, and equal Distribution of the same; and Ordered that the Committee of Laws prepare and bring in the same.

D^r Carroll from the Committee of Laws delivers M^r Speaker A Bill entituled, an Act for issuing and taking out of the office of the Commis^{rs} or Trustees appointed for emitting Bills of Credit established by Act of Assembly the sum of Four thousand Five hundred Pounds Currant Money for Encouragement of such able bodied Free-men as shall voluntarily enlist themselves into his Majesty's service for the intended Expedition Against Canada, and for maintaining and conveying them to the Place of Rendezvous; as also for replacing of the said Sum and for the better regulating Ordinaries and

L. H. J. ordinary Keepers, and for other purposes therein mentioned; which
 Liber No. 46 was read the first and Second Time by an especial order, passed, and sent to the Upper House by M^r Courts and Capt. Ennalls.

The House adjourns 'til Monday Morning 9 of the Clock

June 23

Monday Morning June 23rd 1746

The House met according to Adjournment. All members present as on Saturday except M^r Sheredine and M^r Addison

The Proceedings of Saturday were read M^r Philip Hammond appears in the House. On motion of a Member Leave is given to bring in a Bill for the Tryal of all matters of Fact in the several Counties when they have arisen or shall arise; and Ordered that the Committee of Laws prepare and bring in the same.

On Motion of A Member Leave is given to bring in A Bill for erecting a County School in Worcester County M^r Purnell appears in the House ordered that the Serjeant at Arms dispatch A Messenger to M^r Mackall M^r Wilkenson and M^r Lecompte, to let them know that This House requires their immediate Attendance

D^r Carroll from the Committee of Laws delivers M^r Speaker a Bill entituled an Act for Limitation of officers Fees which was read the first Time and ordered to lie on the Table. Ordered that the Committee of Laws prepare and bring in Bills to continue the several Laws following Viz.

An Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of suits at Law, and for continuing the supplementary Act thereto.

An Act for the advancement of Justice

An Act for the better relief of poor Debtors.

An Act to Prevent the ill Practices of Sheriffs in the Collecting and Payment of the Public and County Leavies

p. 584 M^r Stoughton from the Committee of Laws delivers M^r Speaker the following Bills

A Bill entituled, An Act continuing an Act entituled An Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of suits at Law, and for continuing the supplementary Act thereto.

A Bill entituled An Act continuing an Act entituled, An Act for the Advancement of Justice.

A Bill entituled An Act continuing an Act of Assembly of this Province entituled An Act for the better Relief of Poor Debtors

A Bill entituled, An Act continuing An Act of Assembly of this Province entituled An Act to prevent the ill Practices of Sheriffs in

the Collecting and Payment of the Public and County Levies. Which L. H. J.
Bills were read the first Time, and Ordered to lie on the Table Liber No. 46

M^r Speaker Communicates to the House the following Message from the Governor viz.

Gentlemen of the Lower House of Assembly

I have received the inclosed Dispatches from the Northward which I think proper to lay before your House T. Bladen

With the Dispatches mentioned in the said Message, which were read, and ordered to lie on the Table

Col Tasker from the upper House delivers M^r Speaker the following Message (See page 288.)

The House Adjourns 'till 2 of the Clock

Post Meridiem

The House met According to Adjournment

The House taking into Consideration the Message from the Upper House by Colonel Tasker The Question was put whether this House will agree to the Conference proposed by the said Message. Resolved in the Negative

For the Negative

M ^r Wilson	M ^r Smallwood	M ^r Hyland
Harris	Harrison	John Hall
P. Hammond	N. Goldsborough	Buchanan
Carroll	Lloyd	Paca
Worthington	Thomas	Wootton
H. Hall	I. Goldsborough	Stoddert
Smith	Hooper	Hopper
Brome	Ennalls	Tilghman
Courts	Pearce	

For the affirmative

M ^r [Barnes]	M ^r Dashiell	M ^r Henry
Bond	Dennis	Purnell
I. Gresham	George	Robins
R. Gresham	Byard	Scarborough
Stoughton	Gordon	
King	T. Hammond	

And ordered, that the Committee of Laws prepare a Message in p. 585 Answer thereto M^r Harris from the Committee of Laws delivers M^r Speaker A Bill entituled, An Act for the easier and better securing the Estates of Debtors absconding, and of Persons Bankrupt, for the use of their Creditors, and Equal Distribution of the same; which was read the first Time, and Ordered to lie on the Table

L. H. J. The following Message, prepared by the Committee of Laws, was
 Liber No. 46 sent to the Upper House by M^r Stoughton and M^r Bond. (See page 288.)

Benjamin Young Esq^r from the Upper House delivers M^r Speaker the Bill entituled, An Act for issuing And taking out of the office of the Commis^{rs} or Trustees appointed for emitting Bills of Credit established by Act of Assembly the sum of Four Thousand Five Hundred Pounds &c Indorsed

Which Bill was here read, and Passed for Ingrossing

M^r Nicholas Goldsborough from the Committee of Laws delivers M^r Speaker a Bill entituled An Act for the Trial of all matters of Fact in the Several Counties where they have arisen or shall arise; which was read the first Time and ordered to lie on the Table

The House adjourns 'till To-morrow Morning 9 of the Clock.

June 24

Tuesday Morning June 24. 1746.

The House met According to Adjournment, and the Proceedings of Yesterday were read

M^r Lecompte appears in the House The House having considered the several Letters from the Governors of New York and Province of the Massachusett's Bay in New England communicated to them by his Excellency, Resolved That this House will Address his Excellency in relation thereto and ordered, That the Committee of Laws prepare and bring in An Address Accordingly

The Letters are as follows Viz.

Sir

Boston May 12th 1746

As his Excellency Governor Clinton of New York has sent circular Letters to the Several Governors on the Continent, as far as Virginia, to propose a Convention of Commiss^{rs} from each Government to consult measures for carrying on the War against the common Enemy, and I find no other Fruit of this seasonable Proposal, so much for the Honour of His Majesty's Government, and the Safety of his Subjects but the Chearful and ready Compliance of this single Province (who have chosen Commissioners for this Purpose) I think myself obliged, in common Humanity to my Fellow Subjects (who are daily suffering under this bloody and savage war) as well as in Duty to his Majesty to second these Proposals of M^r Clinton
 p. 586 with my earnest Sollicitations that this affair may be once more seriously considered by the several Governments in all its Circumstances It is well known that such is the Situation of the French in these Northern Parts (where they have not one single Port) and such the Superiour Strength of the English, that by the Ordinary Blessing of Providence upon our Vigorous Endeavour their Destruction would be inevitable But the Places that are now free from any

immediate Danger by the French and Indians on the Land Part will be deaf to all the Sollicitations from the Colonies that are most deeply affected with this war for Succour in their Distressed State, in a Short Time the Enemy will in all Probability, depopulate such unhappy deserted Provinces, And then those, who now think themselves in Security, will feel the miseries of this bloody war, and too late repent of the neglect of their own Interest, as well as their Disregard to their Fellow Subjects; and what is greatly to be lamented in our present Case is, that with all the Advantages we have over our Enemies, yet for want of an Union of Councils among ourselves (which renders us contemptible in the Eyes of the Indians) the French, who are weak in themselves, but in the strictest Combination with one another and the Savages that dwell among or near them, are like to bring the Six most Powerful nations of Indians on this Continent (which have hitherto from Time immemorial been firmly Attached to the English Government) over into their Interest

L. H. J.
Liber No. 46

In this situation of our affairs we can have no Prospect of Anything but misery and Desolation, unless the several Governments will join in the firmest League Against the Common Enemy, and carry on the war with Vigour and Resolution, and then we may hope for the blessing of Divine Providence to render our Designs successful I must therefore intreat your Honour to lay this matter before your Assembly, and to do all in Your Power to Spirit them up to Resolutions becoming the Character of Englishmen. I am with great regard S^r

Your Honours most obedient humble Servant

W. Shirley

S^r New Yorke 19th May 1746

I have your Letter of the 7th Instant whereby I discover a Very Sudden and uncommon Resolution of your Assembly at this Time of such imminent Danger from the Enemy. I fed myself at least with hopes of y^r appointing Commissioners for our Mutual Security, as it was a measure thought to be prudent and wise, and probably their Neglect in this Point may occasion to them greater Evils than they are aware of, as the French are at Present very enterprizing and committing great Hostilities and cruel Murthers on our Frontiers, and I am confident one Province alone cannot withstand their Attacks, while our Indians continue neutral; and Indeed I am afraid the French have worked them up to such Thoughts of Ingratitude for which reason no pains should be wanting to remove such an Opinion for his Majesties Service I am in Continual Alarms and Hurry, but always very much

S^r Your obedient humble Servant

G. Clinton

p. 587

S^r New York 26th May 1746

I have been advised by last Post, that the Governments of Connecticut and Rhode Island have appointed Commiss^{rs} to treat with

L. H. J. Commis^{rs} from this Government, and such others upon the Continent, as are willing to engage therein for the mutual Security and Defence of the whole. There are now four Governments, with this to the Eastward, that have appointed Commis^{rs} for this End; and I cannot help repeating my Sollicitations to your Governments to accede to the like Measures, which consequently must Promote His Majestie's Service by being able to collect a strength sufficient to Annoy and defeat the Attempts of the Enemy who have fallen upon this and Boston Government in a very enterprizing manner, and have Committed many Cruel and inhuman Murders upon his Majesty's Subjects, should the City of Albany fall into their hands, it is thought the Governments to the westward cannot of themselves, sustain the Ravages of the Enemy, therefore must be exposed to the greater sufferings; which I conceive ought to be an Inducement for their joining more chearfully with this and the other Governments for the Good of the Common Cause.

I am very much S^r Y^r humble Servant
G. Clinton

S^r Boston the 2^d of June 1746

Therewith inclose a Proclamation which I have issued for raising Voluntiers for the intended Expedition, by which your Honour will perceive the Spirit of our General Assembly, and the Disposition which they have shewn to give the utmost Encouragement for promoting the undertaking, which considering what we have done and suffered in the late Expedition to Cape Breton is beyond what I could have Expected from them I hope your Assembly (who have done so little in the last Expedition) will not fall below us in this I cannot but think it will be of service for all the Governments to enlist as many of their neighbouring Indians as they can provided they are of a warlike Disposition and Friends to the English Interest.

I am with great Regard S^r Your Honours most obedient humble Serv^t
W. Shirley

June 8th 1746. Since the writing of this by the Secretary which should have been sent by the last Post, I hear that the Government of New Hampshire has given Encouragement for raising 1000 men there and that of Connecticut for raising 600 men, and as many more as will Voluntarily enlist in that Colony, what Rhode Island has done I don't hear with Certainty, but they talk of 500 men to be raised
W. S.

S^r New York 16th June 1746

Pursuant to his Majesty's orders to me Signified by his Grace of Newcastle, I intend to be at Albany the 20th of next month, in order to make use of Proper measures to engage the six Nations of Indians to take part in the present Expedition against Canada; and I

hope it will be thought but reasonable, that your Government, with the others to the Southward, should bear a Proportion of the Expence attending their engaging with us in this important Service. The Assembly here have evaded Providing Battoes Cannoes and other necessities for transporting their own People into Canada, that I shall be obliged to procure them at the Charge of the Crown rather than let the Service Suffer, which I believe is not expected and as these things will be counted for the transporting all the Troops that are to be raised and rendezvous at Albany I conclude it will not be improper in you to give the necessary Directions to Provide what may be wanted on the part of your Government as soon as may be.

L. H. J.
Liber No. 46
p. 588

A Batto is to carry five men with their Provision and Baggage
I am with great regard S^r Your most obedient humble Servant

G. Clinton

The Bill entituled An Act for Limitation of officers Fees was read the second Time passed and sent to the Upper House by M^r [Wilson] and thirteen others.

The Bill entituled An Act continuing An Act entituled, An Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law, and for Continuing the Supplementary Act thereto And The Bill entituled An Act continuing An Act entituled An Act for the advancement of Iustice: were read the second Time, passed and Sent to the Upper House by M^r Smallwood and Lecompte

M^r Philip Hammond delivers M^r Speaker An Address to the Governor, which was read, Approved of, and ordered to be ingrossed.

The House adjourns 'til 2 of the Clock

Post Meridiem

The House met according to Adjournment

On Motion of a member, Leave is given to bring in a Bill for dividing Prince George's County

M^r Sheredine appears in the House

The following ingrossed address to the Governor being read and Assented to, was ordered on behalf of the House to be signed by the Honourable Speaker Viz.

To his Excellency Thomas Bladen Esq^r Governor of Maryland

The humble address of the House of Delegates

May it Please Your Excellency

We herewith return your Excellency the Letters and Papers from the Governors Shirly and Clinton relating to the Indians The Earnestness with which those Letters are wrote Shews those Gentlemens Ability and Care for their respective Governments But we

p. 589

L. H. J. must observe that M^r Shirley is not well advised of what this House
 Liber No. 46 had done in favour of the Expedition to Cape Breton, since it was well known, that a Bill passed this Branch of the Legislature, making a generous and suitable Provision for the security and support of that Acquisition.

The Expedition against Canada will we hope be Attend^d with success, and therefore remove the Evil complained of by these Gentlemen, and in Particular as to Albany, that being the Place of Rendezvous for such a part of his Majesty's Forces who we hope will not only be able to Defend that and the adjacent Territories, but also annoy the Common Enemy.

The Sum already given for the support of this Expedition is to the full of what the People of Maryland can bear, for which and the former Reasons we doubt not but we shall stand excused if we bring no further Charge upon the Province in Consequence of those Letters.

The Bill entituled, an Act for the Tryal of all matters of Fact in the several Counties where they have Arisen or shall Arise, was read the second Time, passed, and sent to the upper House by M^r George and five others

M^r Lloyd and M^r Bond ordered to Acquaint his Excellency that this House hath prepared an address to him and desires to know when and where he will be pleased to receive it. They return and Acquaint M^r Speaker his Excellency will be ready immediately to receive it in the Conference Chamber

The same Gentlemen sent to present the address They return and Acquaint M^r Speaker they have presented it

The House adjourns 'til To-morrow Morning 9 of the Clock.

June 25

Wednesday Morning June 25. 1746

The House met according to Adjournment, and the Proceedings of Yesterday were read.

M^r Addison and M^r Dulany appear in the House

Colo^l Lloyd from the Upper House delivers M^r Speaker the Bill entituled, An Act continuing An Act entituled An Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law, and for continuing the Supplementary Act thereto: And the Bill entituled An Act continuing an Act entituled, an Act for the advancement of Justice Indorsed

Which Bills were here read, and Passed for Ingrossing

The House adjourns 'til 2 of the Clock

Post Meridiem

L. H. J.
Liber No. 46

The House met according to Adjournment

M^r Mackall and M^r Joseph Hall appear in the House

The Bill entituled, An Act continuing an Act of Assembly of this Province entituled, An Act for the better Relief of poor Debtors: And

The Bill entituled, An Act continuing an Act of Assembly of this Province entituled An Act to prevent the ill Practices of Sheriffs in the Collecting and Payment of the Public and County Levies; were read the second Time, passed, and sent to the Upper House by M^r Stoddert and M^r Bond. Samuel Chamberlaine Esq, from the Upper House delivers M^r Speaker a Petition of the Rector, Vestrymen, Church Wardens, and Inhabitants of Christ Church Parish in Calvert County praying that the Inhabitants of the said Parish may be assessed for the A Chapel of Ease therein; Indorsed (See page 291.) p. 590

Which being read, Ordered, that the Committee of Laws prepare and bring in A Bill for that Purpose

And a Representation of the Iustices Grand Jury, and other Inhabitants of Ann Arundel County, setting forth the great advantages that might be obtained by erecting a work House in the said County, and praying the Legislature to make such Provision therein as may be for the Public Good, Indorsed By the Upper House of Assembly 25 June 1746; Read and referred to the Consideration of the Lower House of Assembly

Which was read, and referred to the Consideration of the next Session of Assembly. On motion of a Member, Leave is given to bring in A Bill to continue the Act entituled, An Act for the speedy Recovery of small Debts out of Court before a single Justice of the Peace. And ordered, that the Committee of Laws prepare and bring in the same

It being represented to this House, that immediately after the Prorogation of the late Convention, His Excellency Thomas Bladen Esq Governor, in a Very violent, unseemly, and insulting manner, Attacked M^r Walter Smith a Member of this House returned for Calvert County, by accusing the said Smith with the Asserting Falsities to the said House That he and his Family owed their all to the Lord Baltimore; and that he the said Smith took all Opportunities to oppose any proposition made in the House tending to his Lordships Interest and Affairs, and for which his Excellency told him he was a sorry Fellow, and used sundry other warm Expressions to the said purpose: And the said M^r Walter Smith, being called upon to declare the whole affair to this House Acquainted them fully to the Purpose aforesaid: and further saith, that the speaking the

L. H. J.
Liber No. 46 words was accompanied with scornful and insulting Looks and Actions, not easily to be expressed, tho' firmly imprinted on his Memory All which this House conceive was said and Acted to intimidate him the said Smith, and others whom it might influence or deter, from doing their Duty, or Acting with Freedom in any future Debate

Upon fully and most maturely considering of which, it is unanimously resolved by this House, That the Liberty of Speech on every Debate and Matter in Assembly is and ought to be free, and that no member ought to be questioned or impeached for any thing said or done in discharge of his Duty in the House of Delegates, by Any Person whatever, or in any manner whatever, other than by the House it self. Resolved, That His Excellency Thomas Bladen Esq, by evilly treating M^r Walter Smith in manner aforesaid, hath highly violated the fundamental Rights and Privileges of the House of Delegates

Resolved, That this House doth Appoint the Committee of Laws to draw up a proper Remonstrance to be Presented to His Excellency on the Subject matter aforesaid; and ordered, that they bring in the same To morrow morning. Maj. Hall from the Committee of Laws delivers M^r Speaker A Bill entituled, An Act continuing an Act entituled, An Act for the speedy Recovery of small debts out of Court before a single Justice of the Peace; which was read the first Time, and ordered to lie on the Table.

The Letter from his Grace the Duke of Newcastle mentioned in the Governor's Speech at the opening of this Session was ordered to be entered on the Journal; and it is as follows

S^r

White Hall April 9th 1746

I am commanded to acquaint you, that His Majesty has been pleased to order five Battalions of his Troops under the Command of Lieu^t General S^t Clair, to go from hence, as soon as possible, with A Sufficient Convoy of Men of War, to Louisburg, in order to be employed together with the Regiment of Major Gen^l Frampton, which has been some Time ordered to embark for Louisburg, and with the two Regiments sent thither from Gibraltar, and also with such Troops as shall be Levied for that Purpose in North America for the immediate Reduction of Canada: And I am commanded by his Majesty to signify his Pleasure to you (as I do to the other Governors of the said Colonies) that you should forthwith make the necessary Dispositions for raising as many Men, as the Shortness of the Time will permit, within your Government, to be employed, in Concert with his Majesties Regular Forces, on this important Service. It is hoped, that Lieu^t General St. Clair will be able to sail from hence, with the Troops under his Command, the latter End of April, or the Beginning of May.

It is the King's Intention, that the Troops to be raised, should consist of Companies of one Hundred men each; and that those, that shall be raised in the several Provinces of New York, new Iersies, Pennsylvania Maryland and Virginia (be formed into one Corps, to be commanded by M^r Gooch Lieu^t Governor of Virginia) whom the King has been Pleased, on this occasion, to promote to the Rank of a Brigadier General; and that they should rendezvous at Albany within the Province of New York; or at such other Place, as M^r Gooch shall think Proper to Appoint, in order to proceed from thence, by Land into the Southern Parts of Canada

L. H. J.
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The Troops to be raised in the Province of Massachusetts Bay New Hampshire, Rhode Island, and Connecticut, are to rendezvous at Louisburg, and to proceed with the Forces sent from hence, under Convoy of his Majesty's Fleet up the River of St. Lawrence to Quebec.

In Consequence of these Dispositions, His Majesty has ordered me to recommend it to you, in the strongest manner, to proceed immediately to raise as large a Body of men, as the Shortness of the time will permit, within your Government and you will Appoint such officers, as you shall think proper, to command them; For which purpose, a number of Blank Commissions will be sent you, by the next Conveyance: And you will transmit to M^r Gooch a particular Account of what you shall be able to do herein; And you will follow such Directions, as you shall receive from M^r Gooch, with regard to the place of Rendezvous and everything relating to the Proceedings of the said Troops

You will assure all those, that shall engage in this Service as well officers as soldiers, that they will immediately enter into his Majesty's Pay; The officers, from The time they shall engage in his Majesty's Service; and the Soldiers, from the respective Days on which they shall enlist; and that they shall come in for a share of any booty, to be taken from the Enemy: And be sent back to their respective Habitations, when this service shall be over, unless any of them shall desire to settle elsewhere. As to the Articles of Arms and Cloathing for the men to be raised, His Majesty has commanded me to recommend it to you, and the other Governors, to take care, that the Soldiers may be Provided with them: and His Majesty has authorized, and empowered Lieu^t General St. Clair to make a reasonable Allowance for defraying that Expence

p. 592

You will recommend it to the Council, and Assembly of Maryland, to provide a sufficient Quantity of Provisions for the subsistence of the Troops

I am ordered by His Majesty to recommend it to you, to make the strictest Enquiry for Any Persons, that may be Acquainted with the Navigation of the River of S^t Lawrence and if you can find any

L. H. J. such, you will engage them, at any Rate, to serve as Pilots on board
 Liber No. 46 His Majesty's Fleet, and you will send them, as soon as Possible, to
 Louisburg for that Purpose

I am S^r Your most obedient humble Servant

Holles Newcastle

The House adjourns 'til To-morrow Morning 9 of the Clock

June 26

Thursday Morning June 26, 1746

The House met according to Adjournment, and the Proceedings of Yesterday were read

M^r Green Printer, agrees with the House to print the Votes and Proceedings of the present session, at the usual Allowance of twelve Shillings per Day

M^r Philip Hammond delivers M^r Speaker a Remonstrance to his Excellency, which was, approved of, and ordered to be engrossed

Daniel Dulany Esq^r from the Upper House delivers M^r Speaker the Bill entituled, An Act continuing an Act of Assembly of this Province entituled, An Act for the better Relief of Poor Debtors: and the Bill entituled, An Act continuing An Act of Assembly of this Province entituled An Act to prevent the ill Practices of Sheriffs in the Collecting and payment of the Public and County Levies; Indorsed (See page 291.)

Which Bills were read and passed for Ingrossing

The Bill entituled, An Act continuing An Act entituled An Act for the speedy Recovery of small debts out of Court before a single Justice of the Peace, was read the second Time by an especial order, passed, and sent to the Upper House by M^r Stoughton and M^r Bond

M^r Lloyd delivers M^r Speaker a Bill entituled An Act for erecting a County School in Worcester County and appointing Visitors for the same; which was read the first Time and ordered to lie on the Table

The House adjourns 'til 2 of the Clock

Post Meridiem

The House met according to Adjournment

The following Ingrossed Remonstrance being read and assented to, was ordered on behalf of the House, to be signed by Your Honourable Speaker viz.

p. 593 To His Excellency Thomas Bladen Esq^r Governor of Maryland

The Remonstrance of the House of Delegates

It is with the greatest Concern we find ourselves under an indispensable necessity to take notice of the Treatment which M^r Walter Smith, a Gentleman of Calvert County, and a Representative in

Assembly for the said County, met with from your Excellency on the 29 Day of March last, and now signified to this House, to wit, That on the aforesaid Day immediately after the Proroguing of the House, near the Door, on the Parade Your Excellency did with great warmth, Passion, scornful Looks and Gestures, insult and abuse him the said Walter Smith by opprobrious names and Language, for matters of Speech on Delibrations had in the House of Delegates, in virtue of his Duty as a member thereof as that he asserted Falsities in the House, and opposed all measures for his Lordship's Service there, and that he was a sorry Fellow

L. H. J.
Liber No. 46

We take leave to assure your Excellency, that we conceive that Gentleman to be a person of strict Honour and veracity, nor can we look on the Indignity offered him at that Time and Place in any other Light than equally to this House as to him & done to terrify and deter the members of this House from a just Execution of their Duty And this Treatment of M^r Smith we look upon as highly violating the fundamental Rights and Privileges of the House of Delegates which we deem it our Duty to preserve, and therefore declare, That the Liberty of Speech on every Debate and Matter in Assembly ought to be free, and that no member ought to be questioned or impeached for any such Freedom of Speech, in Right of his Duty, in the House of Delegates, by Any Person whatsoever, or in Any manner or Place but by the House.

This being the Law of the Land, and our undoubted Birthright as British subjects and Englishmen, we humbly hope your Excellency, neither by your Self, or the advice of any evil Council, will endeavour, or attempt to undermine or infringe.

M^r Stoughton and M^r Mackall ordered to Acquaint his Excellency, that this House hath prepared a Remonstrance which they begg leave to present to him, and desire to know when and where he will be Pleased to receive it They return and Acquaint M^r Speaker his Excellency will be ready, in half an Hour, to receive it the Conference Chamber

M^r Speaker left the Chair, and Attended by the rest of the members went to the Conference Chamber, where he Presented the Remonstrance to his Excellency

They return again to their House, and M^r Speaker resumes the Chair.

An ingrossed Bill entituled, An Act for issuing and taking out of the office of the Commissioners or Trustees Appointed for emitting Bills of Credit established by Act of Assembly the Sum of four thousand five hundred Pounds Currant Money, for Encouragement of such able bodied Freemen as shall voluntarily enlist themselves into his Majesty's Service for the intended Expedition against Canada, and for maintaining and conveying them to the Place of

L. H. J. Rendezvous, as also for replacing of the said sum, and for the better
 Liber No. 46 regulating Ordinaries and ordinary Keepers; and for other Pur-
 poses therein mentioned; was read and Assented to, and sent to the
 Upper House, with the Paper Bill, by Col. Hooper and M^r Harrison.

The following Ingrossed Bills were read and Assented to and
 sent to the Upper House with the Paper Bills by M^r Nicholas Golds-
 borough and M^r Addison; Viz.

An ingrossed Bill entitled An Act continuing An Act intituled An
 Act for relieving the Inhabitants of this Province from some ag-
 grievances in the Prosecution of Suits at Law, and for continuing the
 supplementary Act thereto.

An Act continuing an Act entitled, An Act for the Advancement
 of Justice

An Act continuing An Act of Assembly of this Province entitled,
 An Act for the better Relief of poor Debtors.

An Act continuing an Act of Assembly of this Province entitled
 An Act to prevent the ill Practices of sheriffs in the Collecting and
 paym^t of the Public and County Levies.

p. 594 M^r Wootton delivers M^r Speaker a Bill entitled, An Act to divide
 Prince George's County and to erect a new one by the name of
 County which was read the first Time, and ordered to lie on the
 Table.

Col. Hammond from the Upper House delivers M^r Speaker the
 paper Bill entitled, An Act, for issuing and taking out of the office
 of the Commiss^{rs} or Trustees appointed for emitting Bills of Credit
 established by Act of Assembly the sum of four Thousand five Hun-
 dred Pounds &c. Indorsed (See page 292.)

Daniel Dulany and Richard Lee Esquires from the Upper House,
 Acquaint M^r Speaker and the Members of this House, that the Gov-
 ernor requires their immediate Attendance in the Upper House, to
 see the foresaid Bill passed into a Law M^r Speaker, with the mem-
 bers went to the Upper House, where his Excellency passed the said
 Bill into a Law by sealing it with the Right Honourable the Lord
 Proprietary his great Seal at Arms, and Endorsing it thus. "on
 Behalf of the Right Honourable the Lord Proprietary of this Prov-
 ince I will this be a Law "

M^r Speaker and the Members return to their House, and M^r
 Speaker resumes the Chair.

Ordered, that the Committee of Laws prepare and bring in a Bill
 for raising money to be applied towards purchasing Arms and Am-
 munition for the better Defence of this Province

The House Adjourns 'til To-morrow Morning 9 of the Clock

Friday Morning June 27, 1746

L. H. J.
Liber No. 46
June 27

The House met according to adjournment, and the Proceedings of Yesterday were read

Mr Philip Hammond delivers Mr Speaker the following Report, Viz.

We the subscribers having with others, been, by orders of the Honourable the House of Delegates, intrusted with the Receipt of Money from sundry Gentlemen, and transmitting and receiving Papers and Letters relating to the Grievances complained of by the Province, and not redressed by the Lord Proprietary, and in Particular as to the Twelve Pence per Hogshead on all Tobacco exported taken by his Lordship, leave to Acquaint you, that by a Letter from Ferd^o John Paris Esq^r the Agent employed for the Country on that occasion, we have been advised, that on that Head of Complaint, he had finished his Brief, and that it was clear that his Lordship was not entitled to the said Twelve Pence per Hogshead by the Act of 1704, or any other Law

The said Gentleman complained of Delays occasioned here by the refusal of Copies of Records, which Could not be remedied by us, or those appointed by the House, having always Transmitted such as soon as we could procure them from the Government here: nor have we been able to procure the Annual Amount of the 14^d per Tun, or to have the Amount of the 12^d per Hogshead duly Authenticated, as by Mr Paris we were directed whether our not hearing of late from the aforesaid Gentleman be due to miscarriage of Ships or Letters, or that he conceives himself not adequately rewarded for his Trouble in the service of the Country or what other Cause we are at a Loss to know: But we humbly conceive, that without a Public Fund be established for defraying the Expende of Procuring Justice to the People of Maryland in the Points complained of, that great and desired End will not be attained, and in order to Satisfy this Honourable House, and our Constituents, And to free ourselves from an unjust aspersion not long since cast upon us we take Care to annex hereto An Account of the Money received by us for the Purpose aforesaid the Ballance whereof is ready to be applied to such Service, and what Time your Honourable House shall think proper. p. 595

All which is humbly referred to the Consideration of the Honourable House by

Phil Hammond
C. Carroll

Thom^o Worthington
Turnor Wootton

Jn^o Addison
Henry Hall

L. H. J. The House of Delegates of the Province of Maryland in Account
Liber No. 46 Currant, Sterling. D^r

1739	Sept. 17.	To Paid Ferd ^o John Paris Esq ^r by M ^r James Buchanan as per Account Currant	100.. 0.. 0
1740	December 22.	To paid Ditto by Ditto as per Ditto	50.. 0.. 0
1741	June 26.	To paid by Ditto as p Ditto	50.. 0.. 0
		To Postage Letters & Comm ^{rs} as p D ^o	2.. 0.. 6
		To Ballance due in the Hand of M ^r Jas. Buchanan as p acc ^t	78..16..10
		To Ballance due from D ^r Carroll	8.. 0.. 8
			288..18.. 0

C ^r From June 12. 1739 to October 30 1742	By Bills of Exchange and Sterling Money received of sundry Persons as p Account Sundry Bills Exchange returned pro- tested with Costs thereof and not re- newed again amounting to	288..18.. 0 24.. 2..10

NB D ^r The House of Delegates of the Province of Maryland in account Current Currency		
From 1739 to 1743	To Cash paid for sundry Services as p Account	56.. 8.. 6
	To Ballance due in the Hands of Doct ^r Carroll	24.. 0.. 0
		80.. 8.. 6

C ^r From June 12 th , 1739, to May 31 st 1744	By Cash received of sundry Persons as p Account	80.. 8.. 6

Which being read, the House concurs therewith And

Resolved, That the Gentlemen intrusted by this House with the Management of the affairs mentioned in the said Report have Acted with a Regard equal to the great Trust reposed in them, and that this House doth unanimously approve of their Conduct therein.

Col Hollyday from the Upper House delivers M^r Speaker the Bill entituled, An Act Continuing An Act entituled An Act for the speedy Recovery of small Debts out of Court before a single Iustice of the Peace; Indorsed (See page 293.)

Which Bill was read and passed for Ingrossing

The House adjourns 'til 2 of the Clock

Post Meridiem

L. H. J.
Liber No. 46
p. 596

The House met according to Adjournment.

The House unanimously Agrees to the following Resolves; and Ordered, that they be entered on the Journal as Resolves of this House Viz.

Resolved That the levying and Collecting twelve Pence sterling per Hogshead on Tobacco exported out of this Province, by the Right Honourable the Lord Proprietary, or his officers for his use, ever since the year 1733, is not warranted by any Law of this Province

Resolved, That the levying and Collecting fourteen Pence sterling per Tun on shipping trading into this Province, and not properly belonging thereto, is arbitrary and without Law to support it

Resolved That the taking of Judgment Bonds for Fees before they become due and refusing peoples Business to be done in the offices until such Bonds are given and also the taking such bonds in Penalties within the Jurisdiction of the Provincial and County Courts, where such Penalties, being only double of the Principal sums would be recoverable before a single Magistrate, is oppressive and extorsive

Resolved that officers Fees can only be settled and ascertained by Law, and that the settling or ascertaining of them by the Proprietary, his Governor, or Council, by way of Proclamation or ordinance, is contrary to the Royal Charter, against the Rights and privileges of the Subject, and arbitrary and illegal.

Resolved, That the Buying and selling of the offices of County Clerks is against Law, and tends greatly to the ruin and oppression of the people of this Province

Resolved, That the Persons who hold the offices of Clerks or Registers, or receive the Fees of those offices, practising as attorneys in the Courts to which those offices belong is against Law, of the most dangerous Consequence and introductive of many Evils and Inconveniences to the Suitors in such Courts

Resolved, That the Exacting Alienation Fines on Devises is Contrary to the Tenor and Condition of the Grants of Land in this Province

Resolved, That the Vacating of the Pattents for Land of the People of this Province by the Right Honble the Lord Proprietary, or his Chancellor, for any Cause whatsoever, as attempted to be practised here, is arbitrary, illegal, and an Invasion on the Rights and Properties of his Majesty's free and liege Subjects inhabiting here

Resolved, That the Naval officers of this Province obliging People to pay their fees in Gold or Silver is directly contrary to An Act of Assembly of this province.

L. H. J. Resolved, That the appointing new officers here with Fees, without the Consent of the People of this Province, or their Delegates in Assembly, is illegal and oppressive
 Liber No. 46

On Motion of a Member, ordered, that the Committee of Laws prepare an Address to the Governor requesting him to order to be laid before this House, Accounts properly authenticated, of the Fourteen Pence Sterling p Tun on all shipping trading to this Province to this Province, and not belonging thereto, and also of the Twelve pence per Hogshead on all Tobacco exported, as collected yearly by the several naval officers

p. 597 An Ingrossed Bill entituled, An Act continuing An Act entituled, An Act for the speedy Recovery of small Debts out of Court before a single Justice of the Peace, was read and Assented to, and sent to the Upper House, with the Paper Bill, by Maj. Hall and M^r Dennis

Maj^r Hall delivers M^r Speaker a Bill entituled An Act empowering the Vestrymen and Church Wardens of Christ Church parish in Calvert County to build a Chapel of Ease in the said Parish, and to empower the Iustices of said County, to levy on, the Taxable Inhabitants of the said parish, the sum of Eighty Thousand pounds of Tobacco for the uses therein mentioned; which was read the first and second Time by an especial order, passed, and sent to the Upper House by M^r Brome and M^r Mackall.

The Bill entituled, An Act for erecting a County school in Worcester County and Appointing Visitors for the same was read the second Time, will Passed, and sent to the Upper House by Col. Henry and Col. Scarborough

M^r Hammond, from the Committee of Laws delivers M^r Speaker a Bill entituled, An Act for raising Sterling per Hogshead on all Tobacco to be exported for purchasing Arms and Ammunition for the Defence of this Province; which was read the first Time, and ordered to lie on the Table.

Col. Henry from the Committee appointed to inspect the Accounts and proceedings of the Commiss^{rs} of the paper Currancy office, delivers M^r Speaker the following report Viz. (See page 299)

p. 598 Which was read and ordered to lie on the Table

The House adjourns 'til To-morrow morning 9 of the Clock

June 28

Saturday Morning June 28. 1746

The House met according to adjournment, and the proceedings of Yesterday were read. Col. Hall hath leave of the House to go home. On reading the second Time the Bill entituled An Act for raising Sterling per Hogshead on all Tobacco to be exported for purchasing Arms and Ammunition; and for an immediate supply

of Arms, for the Defence of this Province, the Question was put. L. H. J.
whether, the Duty to be laid on Tobacco shall be Four pence sterling Liber No. 46
p^r Hogshead, or Three Pence,

Resolved that it be four Pence

For 4^d

Mr Wilson	Mr Smallwood	Mr John Hall
Harris	Harrison	Buchanan
P. Hammond	N. Goldsborough	Paca
Carroll	Lloyd	Wootton
Worthington	I. Goldsborough	Addison
Hen. Hall	Hooper	Stoddert
Smith	Ennalls	T. Hammond
Brome	Pearce	Hopper
Mackall	Hyland	Tilghman
Jos. Hall	Bayard	
Courts	Sheredine	

For 3^d

Mr Barnes	Mr King	Mr Gordon
Bond	Dashiel	Dulany
Mills	Dennis	Henry
J. Gresham	Thomas	Purnell
R. Gresham	Lecompte	Robins
Stoughton	George	Scarborough

A further Question was put, whether that Part of the Bill which
relates to the payment of an Armourer should be altered. Resolved
in the negative

For the Negative

Mr Bond	Mr Jos. Hall	Mr Bayard
Mills	Courts	Sheredine
Wilson	Smallwood	I. Hall
Harris	Harrison	Buchanan
P. Hammond	N. Goldsborough	Paca
Carroll	Lloyd	Wootton
Worthington	I. Goldsborough	Addison
Hen. Hall	Hooper	Stoddert
Smith	Ennalls	Hopper
Brome	Pearce	Tilghman
Mackall	Hyland	Henry

L. H. J.
Liber No. 46

For the Affirmative

M ^r Barnes	M ^r Dennis	M ^r T. Hammond
I. Gresham	Thomas	Purnell
R. Gresham	Lecompte	Robins
Stoughton	George	Scarborough
King	Gordon	
Dashiel	Dulany	

The Bill being read it was passed

The House adjourns until Monday Morning 9 of the Clock

June 30

Monday Morning June 30th 1746

The House met According to Adjournment, and the proceeding of Saturday were read: all members being present as on Saturday, except M^r John Gresham, M^r Richard Gresham, and Col. Hall

M^r Pemberton, a member returned for Queen Ann's County appears in the House

M^r Hopper and M^r Tilghman are sent with M^r Pemberton to the Upper House to see him Qualified: They return and acquaint M^r Speaker they saw him qualified in the usual manner.

p. 599 The Gentleman takes his seat in the House

The Bill entituled, An Act for raising Four Pence Sterling per Hogshead on all Tobacco to be exported for purchasing Arms and Ammunition; and for an immediate Supply of Arms, for the Defence of this province, was sent to the Upper House by M^r Lloyd and Doctor Buchanan

The Bill entituled An Act for the easier and better securing the Estates of Debtors absconding, and of Persons Bankrupt for the use of their Creditors, and equal Distribution of the same, was read the second Time, passed, and sent to the Upper House by M^r Joseph Hall and Col. Scarborough

M^r Wilkinson appears in the House. Ordered, That the Journal of Acco^{ts} be closed to Wednesday next: And Resolved, that this House will not Proceed to any new Business after that Day.

The House adjourns 'til 2 of the Clock

Post Meridiem

The House met according to adjournment. The House having Considered the Report from the Committee appointed to inspect the office and Proceedings of the Commiss^{rs} of the Paper Currency office,

Resolved, That it is the Duty of the Trustees in London to transmit, to the Commiss^{rs} or Trustees for emitting Bills of Credit established by Act of Assembly, Yearly with their Accounts, proper and

Authentic Testimonials from the Bank of England of the Entries L. H. J.
 and Transfers there made to the use of this Province by virtue of Liber No. 46
 An Act of Assembly entituled, An Act for emitting and making
 Currant ninety Thousand Pounds Currant Money of Maryland in
 Bills of Credit. And Ordered, That the said Commiss^{rs} write to the
 said Trustees to transmit such Testimonials Yearly: And that the
 Clerk of this House make a Copy of the above Resolve and order
 and deliver the same to the said Commiss^{rs} Ordered, That the Com-
 mittee of Accounts do enquire for the Bonds entered into by Robert
 Ungle Esq^r formerly Treasurer of the Eastern Shore for the due
 Execution of his office; and what money stands charged in the said
 Ungles Accounts as paid by him to Richard Bennett Esq^r in the
 Year 1720; and make report thereof to the House. On motion of a
 member, Leave is given to bring in A Supplementary Bill to the Act
 entituled, An Act for laying out the Town a-new commonly called
 Upper Marlborough Town in Prince George's County. M^r Lloyd
 delivers M^r Speaker An Address to the Governor, which was read
 approved of, and ordered to be ingrossed

The following ingrossed Address to the Governor being read And
 Assented to, was ordered, on behalf of the House, to Be signed by
 the Honourable Speaker, Viz. To his Excellency Thomas Bladen
 Esq^r Governor of Maryland

The humble address of the House of Delegates.
 May it please Your Excellency

The Duty we owe to our Constituents lays us under the necessity
 of reiterating the Request of former Assemblies to your Excellency,
 that you will be pleased to order the several Naval officers within
 this Province to make out exact Copies of the Instructions by which
 they are empower'd, to collect the 14^d per Tun on all foreigne Bot-
 toms, and also the 12^d Sterling p^r Hogshead on all Tobacco exported,
 and the Amount of the same sums respectively for Seven Years pre-
 ceding the 29th of September last, proved by them and in the fullest p. 600
 manner, authenticated by Y^r Excellency which Copies, with Dupli-
 cates thereof which (will not be improper in these perilous Times)
 we desire may be delivered to M^r Philip Hammond, Doctor Charles
 Carroll, M^r Thomas Worthington, Maj. Henry Hall, or any of
 them, for the use of the House of Delegates, who will not fail readily
 to answer Any reasonable Fees or Charges that may Attend the mak-
 ing out such Copies, and duly Authenticating the same

The Amount of the 12^d per Hogshead and the Tunnage are what
 our Council Advises and Solicitor writes for. And what we judge
 essentially necessary for the service of this province in Carrying on
 the unhappy Dispute subsisting between the Proprietary and People,
 which Dispute we shall endeavour to bring to a final Determination
 as speedily as possible: for until fair Hearing and Decision thereof

L. H. J.
Liber No. 46 be had, we cannot promise to ourselves that Harmony and good understanding between the several Branches of this Legislature which we always have sincerely desired, and still most ardently wish should subsist and take place in it's highest Perfection we propose nothing in this Matter but what is fair and honest, and hope our Endeavours, to exhibit our Just complaints in a true and proper Light, will not meet with Any obstruction from y^r Excellency but that you will Act herein with such Tenderness towards the People of this Province as that, they may not have room to say, you have denied them the proper means of Redress

M^r Stoughton and M^r Dulany ordered to Acquaint His Excellency, that this House hath prepared an Address to him, and desires to know when and where he will be pleased to receive it They return and Acquaint M^r Speaker His Excellency will be ready to receive it immediately in the Conference Chamber The same Gentlemen sent to present the address.

They return and Acquaint M^r Speaker they have presented it

Col. King from the Committee of Accounts, lays before the House the bond entered into by Robert Ungle Esq^r formerly Treasurer of the Eastern Shore, with his Sureties Thomas Robins and Edward Scott, in the year 1714, for the Execution of his office; which being read and considered

Resolved, That this House will Address His Excellency to order the Attorney General to put the said Bond in suit immediately; and Ordered, that the Committee of Laws prepare and bring in an address Accordingly.

The House Adjourns 'til To-morrow Morning 9 of the Clock

July 1

Tuesday Morning July 1st 1746.

The House met according to Adjournment, and the Proceedings of Yesterday were read

M^r John Gresham and M^r Richard Gresham appear in the House.

Resolved, That this House address the Governor to order the Attorney General to sue the Bond entered into by Philip Lee Esq^r late Naval officer of north Potomack District, for the due Performance of his office: And Ordered, That the Committee of Laws make it part of the Address to his Excellency for the ordering M^r Ungles Treasurer's Bond to be sued

The Bill entituled, An Act to divide Prince George's County, and to erect a new one by the name of Frederick County, was read the second time, passed, and sent to the Upper House by M^r Stoddert and M^r Addison

M^r Philip Hammond delivers M^r Speaker an address to the Governor which was read, Approved of, and ordered to be ingrossed.

Ordered, That the Committee of Accounts do enquire, whether suits have been commenced against Benjamin Bradford late Sheriff of Cecil County, D^r Richard Porter late Sheriff of Talbot County, and Edward Trippe late Sheriff of Dorchester County, in Consequence of an Address of the Lower House of Assembly in August Session 1745 to the Governor for that purpose, and that they make report thereof to this House

L. H. J.
Liber No. 46

The House Adjourns 'til 2 of the Clock

Post Meridiem

The House met according to Adjournment. The following ingrossed address to his Excellency being read and Assented to, was ordered, on behalf of the House, to be signed by the Honourable Speaker, Viz.

To His Excellency Thomas Bladen Esq^r Governor of Maryland

The humble Address of the House of Delegates
May it please y^r Excellency

It appearing to this House, that the sum of one hundred Eighty seven Pounds, thirteen Shillings and six Pence, sterling, remains due to the Public of this Province, from Robert Ungle Esq^r late Treasurer of the Eastern Shore, and which of Right ought long since to have been paid. And in as much as the said Robert Ungle passed a Bond with Edward Scott of Kent County, and Thomas Robins of Talbot County Sureties, in a penalty to her late Majesty Queen Anne, for the due Discharge of his Duty as Treasurer aforesaid, and payment of such Moneys as should by him be received for the Public.

We therefore pray that your Excellency will give orders, that the said Bond be put in suit against the said Sureties, their Executors or Administrators, in such manner, as that the said money may be recovered for the Use of the Public of this Province And whereas a Ballance Appears due, from Philip Lee Esq^r late Naval officer of North Potomack District, unto the Public; we likewise request your Excellency will order the Attorney General to sue his the said Lee's Bond for Discharge of his Duty in the office aforesaid, whereby the Public may have such Ballance duly paid. Col. King and M^r Bond ordered to acquaint the Governor, that this House hath Prepared an Address to him, and desires to know when and where he will be pleased to receive it. They returned and Acquaint M^r Speaker his Excellency will be ready immediately to receive it the Conference Chamber

The same Gentlemen sent to present the Address. They return and Acquaint M^r Speaker they have presented it. Edmund Jennings Esq^r from the Upper House, delivers M^r Speaker the Bill entituled. An Act for the Trial of all matters of Fact in the several Counties

L. H. J. where they have arisen or shall arise, Indorsed By the Upper House
 Liber No. 46 of Assembly July 1. 1746. Read the second Time, and will not pass
 Signed p Order J. Ross Cl. Up. Ho.

p. 602 George Plater Esq^r from the Upper House, delivers M^r Speaker the Bill entituled An Act for raising Four Pence Sterling per Hogshhead on all Tobacco to be exported for purchasing arms and Ammunition and for immediate Supply of arms for the Defence of this Province, Indorsed (See page 296.)

Which Amendments being read, Resolved that this House will not Agree thereto and ordered, that the said Bill be entered on the Journal, And it is as follows. An Act for raising Four pence sterling per Hogshhead on all Tobacco to be exported for purchasing Arms and Ammunition: And for an immediate supply of Arms for the Defence of this Province. Whereas in these Times of real danger it is highly prudent to provide for the common safety and Defence of the Province by making the best Provision we are able for a suitable supply of Arms and Ammunition; and for that it is the more necessary at present as the General Assembly now sitting, in order to forward the Execution of his Majesty's Royal Intention in the Reduction of Canada, have chearfully Enacted that a part of those Arms already provided should be distributed among such of his Majesty's Forces as may be raised within this Province—such Arms not being otherways to be procured or purchased within the same. We his Majesty's most dutiful and loyal Subjects the Delegates of the Freemen of Maryland in Assembly convened therefore humbly pray that it may be enacted.

And be it Enacted by the Right Hon^{ble} the Lord Proprietary by and with the Advice and Consent of his Lordship's Governor and the Upper and Lower Houses of Assembly and the Authority of the same That there shall be levied collected and raised A Duty or Impost of Four pence Sterling money on every Hogshhead of Tobacco which now is and hereafter shall be laden on Board any Ship or Vessel to be exported out of this Province and not cleared at some Naval office before the End of this present Session of Assembly to be collected and received by the respective Naval officers in the same manner as other Duties on all Tobacco now due and payable are collected and raised which said Duty shall from Time to Time by the Naval officers aforesaid be paid to the Honourable Col. Edward Sprigg.

And be it further enacted by the Authority advice and Consent aforesaid that the same Col. Edward Sprigg shall with the Money which he shall so receive by Virtue of this Act send for and purchase for the use and Defence of this province such Arms and Ammunition and other warlike Stores as his Excellency his Lordship's present Governor with the advice of his Lordship's Council of State or his Lordship's Governor or Commander in Chief for the Time being with the advice aforesaid shall direct and Appoint

And be it further Enacted by the Authority aforesaid that the several Naval Officers aforesaid shall from time to time make and render to both Houses of Assembly of this Province sufficient and clear Accounts of all Monies which they shall receive by Virtue of this Act and that the same Col. Edward Sprigg shall from time to time render to both Houses of Assembly Accounts of what Monies he shall receive by Virtue of this Act and how the same shall have been disposed of.

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p. 603

And be it further Enacted that the said several Naval officers for collecting and receiving the Duty aforesaid and paying the same to the aforesaid Col. Edward Sprigg shall take and be allowed the Salary of Eight Pounds 7 Cent for such part as they shall Collect and pay as Naval officers aforesaid And that the same Col. Edward Sprigg shall receive Two and a half Pounds per Centum for receiving transmitting and paying such money collected as aforesaid According to the Directions of this Act and no more

And be it further Enacted that if the Governor or Commander in Chief of this Province for the Time being with the advice aforesaid shall not direct any Arms Ammunition or other Stores aforesaid to be purchased with the Monies arising from the Duties aforesaid before the next Session of Assembly which shall happen after the Expiration of this Act that then the said Monies or such Part thereof as shall be unapplied and not laid out as aforesaid shall be applied to and for the defraying the Public Charge of this Province as the General Assembly shall direct and appoint.

And be it likewise Enacted by the Authority aforesaid that the aforesaid Col. Edward Sprigg shall and he is hereby obliged to enter into Bond with two good sureties in the sum of Two Thousand Pounds sterling payable to the Right Hon^{ble} the Lord Proprietary for the use of the Province of Maryland before one of the Justices of the Provincial Court who is hereby Authorized empowered and required to take the same Conditioned that just and true Accounts shall be rendered and Payment made of all monies received by him or them from such Naval officers by virtue of this Act and that the same shall be laid out and paid according to the Directions herein mentioned and such Bond transmit to the Chancellor of Maryland for the time being to be lodged in the Chancery office of the same Province. And be it further Enacted by the Authority aforesaid That the Armourer or Person who now has or hereafter shall have the Care Keeping or Distributing the Arms and Ammunition now in store or which hereafter may be shall and he or they are hereby obliged to keep a full and just Account of all Arms and Ammunition which now are or shall hereafter be received by him or them into the Public Magazine and to whome by whome by whose order and to what use or Uses the same has been or shall be given out or distributed and such Account with vouchers lay before both Houses of

L. H. J. Assembly Yearly sworn to before one Provincial or County Magistrates Provided always that nothing herein contained shall extend or
Liber No. 46 be construed to extend to Prejudice or take away any Right or Claim which the People of this Province have or ought to have to any monies heretofore or now levied by the Right Honble the Lord Proprietary under Cover of An Act of Assembly made in the Year Seventeen hundred and four Entituled An Act for the Settlement of an annual Revenue upon her Majesty's governor within this Province for the time being or by any other ways or means whatsoever

p. 604 Provided also that in case of the Death or absence of aforesaid Col. Edward Sprigg during the Continuance of this Act that then and in such Case the Naval officers aforesaid shall pay unto the Sureties aforesaid of the same Col. Edward Sprigg the Monies arising from the Impost or Duty aforesaid or so much thereof as shall be in their Hands at the Time of such Death or absence or shall be collected after the Death or during the Absence of the same Col. Edward Sprigg which Sureties are hereby empowered and required to receive the said money and to apply and account for the same in like manner and form as he the said Col. Edward Sprigg is hereby empowered and required to do in his life Time or Residence here anything herein Contained to the Contrary notwithstanding.

And be it likewise Enacted That from and after the End of this Session of Assembly the Armourer Smith Gunner or other Person or Persons employed in taking care of the Arms and Ammunition clearing or repairing the said Arms shall be paid their several and respective Salaries or Allowances for their respective Service or Services in the Current Money of this Province and that the same Salary or Allowance be made in the Publick Levy and not otherwise

And be it further Enacted that the said Col. Edward Sprigg shall and he is hereby directed to transmit all the Bills of Exchange or moneys which he shall receive in Virtue of this Act to M^r Joseph Adams Merchant in London to be by him kept and paid out according to the Directions and to the uses in this Act mentioned. And Whereas there is in the Hands of M^r William Hunt Merchant in London the sum of three Hundred and fourty seven Pounds nine Shillings and ten Pence on Account of Bills of Exchange sent him for the Duty of Twenty shillings Sterling per Head on negroes public Money belonging to this Province In order therefore for the Immediate Supply of arms. Be it Enacted by the Authority aforesaid that his Excellency the Governor or Commander in Chief for the Time being with the Advice of his Lordships Council shall and he is hereby empowered and required to send immediately to the said William Hunt Merchant in London to send into this Province for the Use of the Public the Value of Two Hundred Pounds in such Arms as he the said Governor or Commander in Chief with the Advice aforesaid shall judge most necessary for the Service and Defence

of this Province and to insure the same and the Amount to charge to L. H. J.
Account of the Province of Maryland in Account of the sum afore- Liber No. 46
said.

This Act to continue until the Twenty-ninth Day of September which shall be in the year of our Lord one Thousand seven Hundred and Fourty eight and no longer.

M^r Speaker communicates to the House the following Message from the Governor Viz.

Gentlemen of the Lower House of Assembly

I am really concerned you should think your selves under any necessity of repeating the Request of former Assemblies to have the amount of the 14^d per Tun and 12^d per Hogshead from the Naval officers especially as I am obliged to give you almost the same Answer I did before to them, and which I did not doubt would then have been satisfactory

The Naval officers have already informed the late Lower House of Assembly that they have received Ever since the year 1733, and still continue to receive, the 12^d per Hogshead by Virtue of the Act made in the Year 1704 Entitled An Act for Settlement of An Annual Revenue upon her Majesty's Governor within this Province for the Time being, and if she have any particular Instructions besides that Act to Authorize that receipt, I shall order Copies of them to be authenticated and delivered to the Gentlemen mentioned in your Address. You are sensible the Naval Officers constantly lay before the Lower House their annual Acc^{ts} upon Oath by which the number of Hogsheads exported appear and consequently how many shillings are received every year by Virtue of that Act so that the Quantum for the whole or any Number of Years since 1733 is very readily seen and known from those Accounts examined by and Lodged with your House And if you desire those Accounts delivered from time to time to the Lower House or Copies of them to be authenticated under the Great Seal I will give Directions Accordingly. p. 605

As to the 14^d per Ton, whatever Dispute you may now think fit to make on that Head, yet you cannot be unapprized that his Lordship and his Ancestors have received this Payment by Virtue of their Proprietaryship distinct from the Government even when the Administration was not in their Hands and that this Right has been solemnly determined by his late Majesty King William in Council to be due to the Proprietary without any Reference to the Government This Duty therefore must be considered as his Lordships private Property and I really do not think myself at Liberty to make any Person acquainted with this or any other Branch of his Lordships private Estate especially when the Information is sifted upon as this is to be due in point of Right.

L. H. J. As I have endeavoured to give you all the Satisfaction in my
 Liber No. 46 Power on these Points, there can be no Question, but you will be
 enabled hereby to furnish your Council with what is really necessary,
 and more especially since it is the Right of receiving and not the
 Sum received that gives occasion for this unhappy Difference; and
 indeed this last Reasoning appears so conclusive to me, (and I dare
 say will to every unprejudiced Person) that it is hardly possible but
 that all your Constituents must see and Confess the Force of it

T. Bladen

Which was read and ordered to lie for further Consideration

Richard Lee Esq^{re} from the Upper House delivers M^r Speaker
 the Bill entituled, An Act for the easier and better securing the
 Estates of Debtors absconding, and of persons Bankrupt, for the
 use of their Creditors, and equal Distribution of the same

With the following Message. (See page 296.)

p. 606 Which being read, Resolved, That the said Bill tends greatly to the
 ease and Benefit of the people of Maryland, and that altho there
 should have appeared to the Upper House some Inconsistencies and
 Contradictions therein upon it's now being first framed, the same
 might have been by them with little Trouble Pointed out, and the
 Bill regulated by their Proposing proper Amendments, which, by
 its being returned with a general negative is now prevented: Ordered
 therefore, that the said Bill be entered in the Journal, and printed
 in the votes, that the Public may have an opportunity of consider-
 ing and offering their Sentiments thereupon, whereby in some future
 Session, one more agreeable and useful may be proposed The Bill
 is as follows.

An Act for the easier and better securing the Estates of Debtors
 absconding, and of Persons Bankrupt, for the use of their Creditors,
 and equal Distribution of the same

Whereas great and excessive Charges daily arise on the manner of
 suing out attachments for coming at the Estates of Persons abscond-
 ing for Debt out of this Province, as well as that of Bankrupts in
 other Parts who have Estates and Effects within the same: For the
 Prevention of which Evil for the future, and to render such Estate
 and Effects of more general use to the fair and honest Creditors of
 such Persons so absconding or becoming Bankrupt than have hitherto
 been It is humbly prayed that it may be Enacted

And be it Enacted by the Right Honourable the Lord Proprietary,
 by and with the advice and Consent of his Lordship's Governor, and
 the Upper and Lower Houses of Assembly, and the Authority of the
 same, That from and After the tenth Day of October next, so often
 as any Person or Persons Inhabitants Actually residing within this
 Province shall be sued, and any Writ or Summons issuing out of
 any Court within the same shall be returned non est inventus, a

second Writ or Summons shall thereupon issue; whereupon if the Sheriff or officer return a second non est inventus, a short note or Declaration being left at the Last Place of aboad of such Person so absconding ten Days at least before the second return; or if without the Commencement of any such Suit, Return or Returns, there shall be good and sufficient Proof by the oaths (or affirmations if Quakers) of two good and credible Evidences at least, not being Creditors, taken before some Magistrate that such Person or Persons as aforesaid have or are absconded, or fled from Iustice, or runaway, out of this Province, It shall and may be lawful for one or more of the Creditors of such Person or Persons against whom such Returns shall be made, or proof had as aforesaid, to apply to the Provincial Court, or to one Provincial Justice out of Court, or to the County Court where such Person or persons absconding as aforesaid resided, or their Estate or Effects are, or to one Justice of the Peace of such County or Counties, and procuring the proof as aforesaid of the Returns of the Writs or oaths or Affirmations as aforesaid to be Made and given, that such Person or Persons are absconded, fled from Iustice, or runaway, that then and in such Case it shall and may be Lawful for such Court or Iustice as the Case shall be, and he or they are hereby obliged and directed to return a Copy of such Oaths or Affirmations, so taken with an Order to the Clerk of the Provincial or County Court as the Case may require to make out a Commission to any three Persons who shall be named to such Court or Iustice by one or more of the Creditors of the Person or Persons so absconded, fled from Iustice or run away as af^d which Order shall be in the form following to wit, " You are hereby directed to make out Commission to A B & C of County to take into their Care and Custody all the Estate both real and personal of E F of County lately absconded, fled from Iustice, run away or become Bankrupt as the Case may happen to be by them disposed of to and for the Use of the Creditor or Creditors of the said E F " And the Clerk of the Provincial Court or County Court to whom such oaths or affirmations and order shall come As aforesaid, shall, and he is hereby obliged to enter the same among Records of his Court, and thereupon to make out Commis^{on} under his hand and the Seal of office to the Reasons in such order nominated, which Commisⁿ shall be in the Form following, to wit, To A B and C of County you are hereby impowered and Authorized to take into y^r Custody and Care all the Estate both Real and Personal of E F late of County absconded, fled from Iustice, run away, or become Bankrupt, as the Case may happen, and the same dispose of According to the Direction of An Act entituled, An Act for the easier and better securing the Estates of Debtors Absconding, and of Persons Bankrupt, for the use of their Creditors, and equal Distribution of the same; and the produce

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thereof make equal Distribution of Among the Creditors of the said E F, in proportion to their proved Demands, According to their Direction of the said Act And for your so doing this shall be Your warrant. Given under the Seal of office this Day of Anno Domini And be it further Enacted, That when and as often as any Merch^t or Factor residing out of this Province, and having Effects or Estate therein, shall be indebted to Any the Inhabitants thereof, and become Bankrupt, or stop and refuse Pay^{mt} to any the said Inhabitants in such manner as may render it evident that such Merch^t or Factor is failed though not strictly within the Term of Bankrupt whome a statute hath been granted or awarded, and full and undoubted Proof thereof appears by such Merch^t or Fact^r being inserted in the British public Prints as a Bankrupt, or by the Oaths or Affirmations if Quakers, of one or more witnesses, not being a Creditor or Creditors, with other Concurring Circumstances, that he, she, or they, is, or are become Bankrupt, or Bankrupts, or have stoped and refused Payment in manner aforesaid such Oaths or Affirmations to be taken before the Provincial Court, or one of the Iustices of the said Court, or the said Public Prints with other Concurring Circumstances being produced and manifested to such Court or Justice by one or more of
p. 608 the Creditors of such Merch^t or Factor so Bankrupt in manner aforesaid, the said Court or the Iustice thereof, before whome such Proof is made And at the Request of one or more of the Creditors of such Bankrupt, shall and they are hereby directed, Appointed, And obliged to make An Order to the Clerk of the said Provincial or County Court in manner and Form as herein before directed, to make out a Commission to such three Persons as one or more of the Creditors of such Bankrupt shall appoint and Nominate

And be it further Enacted, by the Authority Advice and Consent aforesaid, That the Commiss^{rs} to be named in Any such Commission hereafter to be made in Virtue of this Act shall, before they take upon them, or any of them the Execution of such Commission, take an oath on the Holy Evangelis of Almighty God to the purport following, before one Provincial or County Justice, to wit I A B do swear that I will faithfully honestly, and truly to the best of my Skill and Knowledge collect, Sell, and dispose of the Estate, both real and Personal of E F late of County absconded, or become Bankrupt, or Stop and refuse Payment in Manner afores^d as the Case may happen, and the Produce thereof distribute equally among his or her Creditors in Proportion According to a Commission to directed, and the act in that Case Provided And the

Iustice before whom such Oath shall be taken shall endorse on the back of the Commission aforesaid his having administred the same

And be it likewise Enacted, That the Commissioners so appointed Commissioned and sworn for the Purposes in this Act intended and

meant shall from time to time and at all times hereafter as often as L. H. J.
Occasion shall require have full Power & Authority to Collect and Liber No. 46
dispose of all and singular the Estate both real and personal within
this Province of all Persons so absconding flying from Justice be-
come bankrupt or stop and refuse Payment in manner aforesaid or
run a way: as also Collect the Debt Due to such Persons so ab-
sconding or becoming Bankrupt as aforesaid and to all Intents and
Purposes sue and implead, and Execution cause to be made on the
Person and Estate of the Debtors of such Runaway Bankrupts, or
Persons Stopping and refusing Payment in manner Aforesaid, in as
full and ample manner as the Person Absconding or being Bankrupt
might do if Present. And the Commiss^{rs} in all such Cases Appointed
And nominated are hereby empowered and directed to take all the
Estate, both real and personal of such person absconded, fled, run-
away, become Bankrupt, or stop or refuse Paym^t in manner as afore-
said, into their Care and Custody, And immediately thereupon cause
Advertisements to be set up in the most Public Places, such as the
Churches, Court House, and other Public Places mostly frequented
within the County where such Person last resided, or in Cases of
Bankrupts or Persons stopping or refusing Payment as aforesaid, on
the Door of the Secretary's office in the City of Annapolis and in-
serted in the Public Gazettee of this Province, that such Commission
as aforesaid hath been to them granted, And that in case such Person p. 609
do not appear, or any Other on his behalf, and Answer the De-
mands of his Creditors that the Estate of such Person will, in
Twenty Days after the Date of such Advertisement, be exposed to
sale for the use of his Creditors

And be it likewise Enacted, That in case such Person absconding
becoming Bankrupt, or stopping and refusing Payment as aforesaid,
do not Appear, or any for him or her to satisfie the Creditors within
the Time aforesaid, it shall and may be lawful for such Commiss^{rs}
in Thirty Days after the Date of such Advertisement, to Proceed to
the sale of such Estate, and in all other respects collect the Debts due
to such Persons, and Distribution make among the Creditors of such
person or persons so absconded, become Bankrupt or stopping and re-
fusing payment, in manner as is herein before directed, they the said
Commissioners first causing notes to be set up as aforesaid giving
notice of the Sale of the Estate both real and Personal of such Person
so absconded, become Bankrupt, Stopping and refusing Payment in
manner as aforesaid, and the Time and Place where such Sale shall
be made, Signed by such Commissioners

And be it further Enacted, That the Time of Sale of the Estate
of such Person Absconding, becoming Bankrupt, stopping and refus-
ing Payment in manner as aforesaid, shall not be in less than Thirty
Days after the Publication of the said first notice or Advertisement
and that at the place of sale the said Commiss^{rs} shall have a Clerk

L. H. J. to keep a fair Account of their Proceedings, therein inserting the
 Liber No. 46 Goods or Estate sold, to whome, and at what rates, and such Commiss^{rs} are hereby directed and obliged to make sale of such Goods and Estate by way of Auction to the highest Bidder. And such Sale so by them to be made and done, whether of Lands or of Personal Estate, shall be good and available in Law to all Intents and purposes, as if the Person so absconded become Bankrupt stoping and refusing payment as aforesaid had made the same before his or her Bankruptcy stoping and refusing Payment as aforesaid and where Sale shall be of Lands, the said Commiss^{rs} shall and may, and they are hereby directed and empowered, to sign, Seal, execute and Acknowledge a Deed or Deeds of Bargaine and Sale for such Lands so by them to be sold, expressing therein the Consideration, and that the same Deed is made in Virtue of this Act as Commiss^r, which Deed or Deeds shall be Acknowledged and recorded as the Laws of this Province directs, Deeds of Bargain and Sale to be; and the Vendee or Vendees shall have and hold all the Right, Title, and Estate which such Person or Persons so absconded, become Bankrupt, stoping and refusing payment as aforesaid, had or enjoyed, or which of Right he, she, or they ought or might have, hold or enjoy in such Lands of Tenements so sold and conveyed as aforesaid and to the End that an Equal and Iust Distribution may be made by such Commissioners of the produce of the Estate of such Persons absconded, become Bankrupt stoping and refusing Payment in manner aforesaid.

Be it Enacted That the said Commissioners shall after such sale made and Compleated, and in Six Months at least after the date of their Commission, appoint A Time and Place to make such Distribution, and notify the same by Setting up Advertisements in the most Public Places within their County or Counties where the Creditors mostly reside, that such Time and Place is appointed for distributing the Produce of such Estate, And then and there, without Fraud or Delay, make, or cause to be made, A fair and just Dividend of the Produce of such Estate among the just and fair Creditors of such person so absconded, become Bankrupt, stoping and refusing payment in manner aforesaid, the Demand of such Creditors being first duly proved allowed; and such Division make in proportion to
 p. 610 the Proved and allowed Demands of such Creditors, and the Amount of the Value of the Estate of such Person so absconded, become Bankrupt, stoping and refusing Payment in manner as aforesaid; and a Fair Account keep of the Sums by the respective Creditors demanded, and what to them paid; and in such Book take Discharge, for the sums by them paid, from such Creditors, or their proper Agents who shall receive the same which said Books shall be produced to the view of any Creditor desiring the same: And when the sale and Payment of such Estate shall be compleated, the said Books shall, by the respective Commiss^{rs} be returned into the Court

from whence the Commission first issued, in open Court: and such Commissioners so returning the same shall make Oath, that the several Accounts therein Contained are just and true so far as relates to the Payments by them made and their Knowledge; And the Court receiving the said Books are hereby impowered and directed to order the Clerk of the same Court to take A Minute of such oath, and to Keep the said Books among the Records of his office

L. H. J.
Liber No. 46

And be it likewise Enacted That all Sales of the Estate of such Persons absconding becomeing Bankrupt stoping and refusing Payment as aforesaid and full Distribution of the Produce of such Sale shall be made among the Creditors and full and perfect Accounts returned by the Commissioners af^d as is herein before directed in Nine Months at least after the date of the Commission to them granted. And in Case it shall happen that Any Person or Persons who shall abscond out of this Province, become Bankrupt, stop and refuse Payment in manner as aforesaid, and Against whome such Commission shall be required by his her, or their Creditors, and granted, shall have Estate or Debts due to him, her, or them, in a different County than that wherein the Commission was granted, then and in such Case the said Commiss^{rs} shall apply to the County Clerk of the same County or Counties, and where such Effects, Debts or Estate shall be, and procure him to record, Among the Records of his County, such their Commission, and such Clerk or Clerks are hereby authorized and directed to record the same Accordingly, and endorse on the Back of such Commission the Time, Book and Folio, under his proper hand, And the Commissioners therein named shall and may and they are impowered to bring and maintain Actions in their own names for such Debts as may be so due or owing to such Person or Persons so absconding become Bankrupt stoping and refusing Payment in Manner as aforesaid and Sale make of his or their Estate real or personal within such County or Counties as is herein before directed in as full and ample manner as if the Person so absconding become Bankrupt stoping and refusing Payment as aforesaid were present or had done the same before his or her Bankruptcy

And be it further Enacted That every Creditor of any Person so absconding become Bankrupt, Stoping and refusing payment in manner Aforesaid, before they are or shall be entitled to receive any part of the Distribution of the Produce of the Estate or Effects of such Person so absconded, become Bankrupt stoping and refusing Payment as aforesaid, or the Executor or Administrator of such Creditor, shall make Oath, or Affirmation if a Quaker, that, his, her or their Demand is just and true, and that he, she, or they have not received Any Part or Parcel thereof, or other Security p. 611 for the same, more than what Credit is given. And in Case an Executor or Administrator shall prove such Demand, that they make

L. H. J. Oath, or Affirmation if a Quaker, that the Demand made by them
Liber No. 46 on Behalf of the deceased is According to a true Copy from the Book
of the Deceased, and that there appears no other or further Credit
to be given on the same Book or Books than they then give and that
to the best of their Knowledge the Ballance remains due And in Case
the said Commissioners or a Creditor or Creditors make any Doubt
of the Truth of the Oath of such Executor or Administrator it shall
and may be lawfull for them the said Commissioners to Cause such
Executor or Administrator to produce to them the Book or Books
of Account of the deceased for their and the Satisfaction of such
Creditors

And be it likewise Enacted That if any Person or Persons shall
Conceal the Effects or Estate of such Person or Persons so absconded
Become Bankrupt stoping and refusing Payment in manner
aforesaid it shall and may be lawful for such Commiss^{rs} and they are
hereby impowered to Commence and prosecute An Action of Tres-
pass, Trover, or any other suit that shall be Proper, against such
Person or Persons so concealing such Effects; and if Judgment shall
be rendered against such Person or Persons so concealing the Effects
or Estate as aforesaid, he or they shall pay treble Costs, together with
the Debt or Damage to be recovered, for the use of the Creditors of
such Person or Persons so absconded become Bankrupt, Stoping and
refusing Payment as aforesaid; and the said Commissioners shall,
and they are hereby obliged to Account with the said Creditors for
the same Accordingly.

And be it further Enacted, That in case of the Death or other
Inability to Act of Any such Commissioner or Commissioners as
may or shall be by virtue of this Act appointed and Commissioned,
that then and in such Case, one or more of the Creditors of such
Person or Persons Absconded, become Bankrupt, stoping and refus-
ing Payment in manner aforesaid, shall and may, and they are hereby
impowered to nominate one or more Commissioner or Commiss^{rs} to
the Provincial or County Court, or to one of the Iustices of the said
Provincial Court, or one of the Iustices of the County Court, who
shall, and they are hereby impowered and directed to make An order
to the Clerk of the respective Court, as the case may require, to
make out a new Commission to such other person or persons as to
them shall be nominated to Act and do in the Room and Stead of
such other Commissioner or Commiss^{rs} so dead or reduced incapable
of Acting: And such Clerk or Clerks is and are hereby obliged to
make out Commission Accordingly: and the same Commissioner or
Commissioners shall in all respects conform to the Direction of this
Act, as the former or first Commissioners are directed to do, and he
or they are hereby invested with the same Powers and Authorities
as the first Commissioners aforesaid have, or ought to have, in Virtue
of the Act.

And be it likewise Enacted, That the Commissioners to be appointed in virtue of this Act shall retain to themselves, out of the Nett Proceeds of all such Estate or Estates, Effect or Effects, as they shall sell and dispose of in Virtue of this Act, and bona Fide pay away to the Creditors, and for Charges in dividing or distributing among the Creditors of such Person or Persons so absconded, become Bankrupt stoping and refusing Payment in manner aforesaid, the Sum of ten Pounds for every Hundred Pounds and at the same rate for a greater or lesser Sum, and no more exclusive of the reasonable Costs and Charges necessarily Arising on the Execution of the Powers and Authorities by this Act vested in such Commissioners

L. H. J.
Liber No. 46

And be it likewise Enacted, That one or more of the Creditors of such Person or Persons so absconded, become Bankrupt, stoping and refusing payment in manner aforesaid, shall and may nominate a Clerk, or other proper Person, to attend the said Commiss^{rs} and Execute their proper Orders for the better and easier Execution of the Matters herein directed by them to be done and Executed

p. 612

And be it likewise Enacted, That in case any Commiss^r or Commiss^{rs} to be appointed in Virtue of this Act shall die, and have in his or their Hand or Hands, any money arising in Consequence of this Act, the Estate of such Commissioner or Commiss^{rs} shall, and they are hereby made liable for the same; and the Executors or Administrators of such Commissioner shall pay the same preferable to all other Debts, Dues, or Demands whatsoever: and the other Commiss^{rs} succeeding shall and may, and they are hereby impowered to bring and prosecute an Action or Actions, in their own names for the same

And be it likewise Enacted, That no Action to be brought by the Commissioners in Virtue of this Act, shall abate by the death or Deaths of such Commissioner or Commiss^{rs} but proceed and be carried on by those who shall succeed them, and Execution issue in the name of the later, for the use of the Creditors in Virtue of this Act And whereas the People of this Province are by Law confined to transmit to Great Britain their Staple Commodity, and by means of consigning the same to, and other their Affairs being negotiated by Factors and Merchants there, and that it is highly reasonable and just, that where Any Merch^t or Factor residing out of this Province having Effects therein, and being indebted to any of the Inhabitants or actual Residents therein, that such their Effects or Estates, whether real or personal, should be first liable to Answer, and made Subject to the Demands and payment of the Debts bona Fide due to the Inhabitants, and actual Residents within this Province, Be it therefore Enacted by the Authority, Advice, and Consent aforesaid, that from and after the tenth Day of October next, when and as often as any Merchant Factor or other Person, actually living out of this Province, in Great Britain or else where, and having

L. H. J. Effects or Estate within this province, either real or personal, and
Liber No. 46 shall become Bankrupt, or fail in payment in manner aforesaid, and
be bona Fide indebted to any Inhabitant Actually residing and inhabiting within this Province, that then and in such Case, such Effects or Estate whether real or personal belonging or Appertaining to such Factor, Merchant, or person living or residing out of this Province and so as aforesaid indebted, or which within the Space and Term of Twelve Months before such Bankruptcy, or failing in Payment as aforesaid were bona Fide, his Right, Estate or Property, shall, is, And are hereby made liable to the Demands and Iust Debts, bona fide due and owing to the Inhabitants Actually residing within this Province, preferable to any other Debts, Dues or Demands, of any Person or Persons Actually inhabiting or residing out of the same, Saving to his most Sacred Majesty, His Heirs and Sucessors, his and their, Several and respective Rights. Provided always, and it is the true Intent And meaning of this Act, that in case the personal Estate of Any of the Debtors mentioned and comprized within this Act, or Part thereof, shall be sufficient to discharge their Debts within this Province, with the Charges Accruing on any Action or Actions to be brought for the same, that then And in such Case the Commiss^{rs} that shall be appointed to execute the several Powers and Authorities invested in them by this Act, shall not meddle with or make Sale of the Lands or real Estate of such Debtor or Debtors, or more thereof than with the personal Estate, will pay such Debts and Charges, or Any greater part of the personal Estate than shall be sufficient to pay such Debts and Charges

And be it likewise Enacted, That any Creditor or Creditors who shall be intituled to receive any Distribution, Share, or part of the Produce of the Estate or Estates of any person or persons so as aforesaid absconding, Runaway, become Bankrupt, stoping or refusing payment as aforesaid, shall, and they are hereby obliged to give Bond with one good Surety, in treble the sum to them to be paid, payable to the Commiss^{rs} aforesaid, for the use of the person so absconding, Runaway, became Bankrupt, stoping or refusing payment as before described, Conditioned, That in case such Person or Persons so absconded Runaway, become Bankrupt, Stoping or refusing Payment, as the Case may happen, they, or their Executors or Administrators, shall within the Space and Term of Eighteen months make Appear, that such Sum or Sums so to such person paid was not bona Fide due to such person so receiving the same, that then and in such Case, such person receiving the same should repay the same Sum by him so received, with double Costs of Suit, and
p. 613 legal Interest thereof, unto such Persons so absconding, Runaway, become Bankrupt stoping or refusing payment as aforesaid, their Executors, Administrators, or Assigns, which Bonds shall be kept

by the said Commiss^{rs} and by them returned, with other their Proceedings as before directed, into the County Court. L. H. J.
Liber No. 46

And be it likewise Enacted, That an Action may be brought in the names of the said Commiss^{rs} on such Bonds, and in case of Judgment, Execution issue to the use of the Person to whose use passed, and that no such Action shall abate by the Death or Deaths of the same Commiss^{rs} or Any of them, but that the Action shall proceed, and Execution issue, as if such Commiss^{rs} were Actually living.

And be it Enacted by the Authority aforesaid, that where any Creditor or Creditors of such person or persons so as aforesaid absconding, Runaway, Bankrupt, stoping or refusing Payment as aforesaid, shall have good reason to believe, that any of the Effects or Debts due to such Persons absconded, Runaway, Bankrupt, or stoping or refusing payment as Aforesaid, are or shall be concealed by any person or persons within this Province, that in such Case it shall and may be lawful for such Creditor or Creditors to Apply to the Commissioners aforesaid and give them notice thereof under the Hand or Hands of such Creditors, with a List of the names of such as they believe so concealing the Effects or Debts as aforesaid, with an Account of what Effects or Debts, to the best of their Knowledge, are so by them concealed: and the said Commiss^{rs} or Any Two of them are hereby impowered, Authorized, and directed, to procure such Debtor or Debtors to be examined, by way of Interrogatories, upon Oath on the Holy Evangelis by any County Magistrate in the County where the said Debtor or Persons so concealing as aforesaid respectively reside, or before A Provincial Magistrate in such County: and in Case such Debtors or Persons shall refuse to Appear, And Answer to such Interrogatories upon Oath, it shall and may be lawful for such Magistrate to commit such Debtor or person concealing and so refusing, until he shall comply by Answering upon oath as aforesaid. And in case such Debtor or person so concealing as aforesaid shall wilfully swear or Affirm falsely such person shall be liable to be punished, as in case of wilful and Corrupt Perjury.

And be it Further Enacted, That all any every act or Acts of Assembly now in Force, so far as relates to the manner of suing out Attachments within this Province, shall be, and are hereby declared to be repealed, and made null and Void. Provided always, that nothing in this Act contained shall extend, or be construed to extend, to stop or hinder Any Person or Persons whatsoever from proceeding in all and every Action or Actions now depending, and founded on the Act or Acts of Assembly, now in force, relating to the manner of suing out Attachments within this Province, but that all such Actions shall be proceeded on in the same manner, as if this Act had never been made, Any Thing herein contained to the contrary notwithstanding.

L. H. J. This Act to continue for three Years and to the End of the next
 Liber No. 46 Session of Assembly that shall happen after the End of the said
 three years. Col Lloyd, from the Upper House, delivers M^r Speaker
 the Bill entitled, An Act empowering the Vestrymen and Church
 Wardens of Christ Church Parish in Calvert County to build A
 Chapel of Ease in the said Parish &c. and the Bill entituled, An Act
 for erecting a County School in Worcester County, and appointing
 Visitors for the same: Which Bills were thus Indorsed, (See page
 297.)

And being read here, were passed for Ingrossing, Col. King de-
 livers M^r Speaker the following Report, Viz.

By the Committee of Accounts, July 1. 1746

In obedience to An order of Your Honourable House your Com-
 mittee have examined M^r Richard Burdus Clerk of the Provincial
 Court, whether any Suits have been carried on against Benjamin
 Bradford late Sheriff of Cecil County Doct^r Richard Porter late
 Sheriff of Talbot County And Edward Trippe late Sheriff of Dor-
 chester County, in Consequence of An Address of the House of
 p. 614 Assembly in August Session 1745, who declared to y^r Committee,
 that he has not had any order for issuing any such Process, and
 therefore no such issued

Signed per order Rich^d Dorsey Cl. Com.

The House adjourns 'til To morrow Morning 9 of the Clock

July 2

Wednesday Morning July 2, 1746.

The House met According to Adjournment, and the Proceedings
 of yesterday were read: All Members being present as Yesterday
 except M^r Pemberton Samuel Chamberlain Esq^r from the Upper
 House delivers M^r Speaker the Bill entituled, An Act for Limita-
 tion of officers Fees Indorsed (See page 297.)

Daniel Dulany Esq^r from the Upper House, delivers M^r Speaker
 the Bill entituled An Act to divide Prince George's County, and to
 erect a new one by the name of Frederick County (See page 297.)

An ingrossed Bill entituled, An Act empowering the Vestrymen
 and Church wardens of Christ Church Parish, in Calvert County, to
 build a Chapel of Ease in the said Parish, and to empower the Jus-
 tices of said County to leavy, on the Taxable Inhabitants of the said
 Parish, the Sum of Eighty Thousand Pounds of Tobacco for the
 uses therein mentioned: And

An ingrossed Bill entituled An Act for erecting A County School
 in Worcester County, and appointing Visitors for the same: were
 read and assented to, And sent to the Upper House with the paper
 Bills by M^r Brome and M^r Robins

M^r Harris delivers M^r Speaker A Bill entituled A supplementary Act to the Act entituled, An Act for laying out the Town a new commonly called Upper Marlborough Town, in Prince George's County; which was read the first and second Time by an especial order, passed, and sent to the Upper House by M^r Addison and M^r Dulany. L. H. J.
Liber No. 46

M^r Speaker communicates to the House the following Message from the Govern^r

Viz. Gentlemen of the Lower House of Assembly,

I will give Directions to the Attorney General to put M^r Ungle's Bond as Treasurer, and M^r Lee's Bond as Naval officer of Potomac, in suit as you desire, And I have given Directions to put D^r Bradford's D^r Porter's and M^r Edward Trippe's Sheriff's Bonds in Suit, as you desired in a former address, to which Address I would have given you an Answer but that I did not receive it 'til the last Day of the Session T. Bladen

Col^o Hammond from the Upper House delivers M^r Speaker the following representation Indorsed. (See page 297.)
To his Excellency Thomas Bladen Esq^r Governor, and the Hon^{ble} the Upper and Lower Houses of Assembly,

The humble Representation of George Plater, James Hollyday, Samuel Chamberlaine, Richard Lee, and Benjamin Tasker, Naval Officers of the several Districts within this Province, That by an Act entituled, An Act for emitting and making Currant ninety Thousand Pounds Currant Money of Maryland in Bills of Credit, the several Naval officers of this Province are directed to remit the Duty of 1st 3^d per Hogshead collected and levied by the said Act, to M^r Samuel Hyde, M^r William Hunt and M^r Robert Cruickshank, Merchants in London, or any Two of them. That since the making the said Act, Samuel Hyde and Robert Cruickshank, Two of the said three Trustees, have failed in their Circumstances, whereby there is only one Trustee known to the said Naval officers, who by that means conceive themselves under some Difficulty how to comply with the Directions of the said Act, which requires the Remittance to be made to Two of the Trustees named in the said Act. Therefore the said Naval officers humbly hope to have some Directions from Y^r Excellency and Honours, to what Person or Persons they shall for the future, make their Remittances of the Bills of Exchange received by virtue of the Act aforesaid p. 615

Geo. Plater	Rich ^d Lee	Benj. Tasker, Junior
Ja ^s Holliday	Sam. Chamberline	

Which was read, and ordered to lie for further Consideration
The House adjourns 'til 2 of the Clock

L. H. J.
Liber No. 46

Post Meridiem

The House met according to Adjournment.

On motion of a Member, Leave is given to bring in a Bill to empower the Justices of Talbot and St. Mary's County Courts to allow, at the laying of their next County levy, unto Jonas Green of the City of Annapolis, Printer, the sum therein mentioned

The House adjourns til To-morrow Morning 9 of the Clock

July 3

Thursday morning July 3, 1746

The House met according to Adjournment, and the Proceedings of Yesterday were read, M^r Worthington from the Committee of Accounts delivers M^r Speaker the Journal of Accounts, which was read and Assented to and sent to the Upper House by M^r Worthington and five others. M^r Speaker communicates to the House the following Message from the Governor; Viz. Gentlemen of the Lower House of Assembly,

In Answer to y^r Remonstrance I think proper to Acquaint you, that the Information you have received of my having called M^r Smith a sorry Fellow, is absolutely false and an Imposition on your House: Perhaps it is true that I might say, he was an ungrateful Fellow, for that He, or his family having had Obligations to the Proprietor, nevertheless he made it his Business to spread false Reports about the Country to the Dishonour of the Government, But pray Gentlemen, what is this, or any Thing else that is said in Conversation with any man, to the Privilege of your House? Assert your Rights in God's name; I never shall Attempt or desire to infringe them, but do not imagine, I am to take every Thing to be Privilege that you are pleased to call so. I think I Know, as well as you do, what Privilege is; and let me tell you, you are now carrying yours further in Your Remonstrance, than ever was attempted by A British Parliament, and much beyond, I dare say, what your Constituents would wish to put this point in as clear a Light as I can, not only to y^r own understandings, but also to that of your Constituents, I shall first take notice of the Clause in the Statute of 1st of William and Mary, declaring the Rights and Liberties of the Subject, and which, I suppose, you have taken as a Foundation for y^r extraordinary Declaration. That Clause is thus expressed, "That the Freedom of Speech and Debates of Proceedings in Parliament ought not to be impeached or questioned in Any Court or Place out of Parliament."

The meaning of this is very obvious, not only from the legal Construction of the words, Questioned and Impeached, but from the occasion or Necessity of Declaring and Asserting the Freedom of Speech by that Statute, as to the legal Construction, which is the only proper Rule for the Exposition of an Act of Parliament, the word Questioning in that Sense is, the Calling upon any man either

by Virtue of a real or Pretended Authority in order to accuse or prosecute such person, and punish him for the same: And moreover this Sense is very Plain from the word Impeached which immediately precedes the Word Questioned, and between which two words there is a Relation in their Meaning; and I may safely affirm that neither Your House nor any Person else ever can find an Instance, where this word Questioning in any Law Expression was at any time used in any other sense: Besides if you consider some part of the Grievances which gave Rise to this Declaration in that Statute, you must agree with me that you have mistaken this Part of your Privilege; for a little Knowledge in History will Acquaint you, that frequently Members of Parliament were Summoned or obliged to Appear in other places besides the Courts of Law to answer for the Expressions in Parliament, and therefore to prevent the same, the word Place is inserted in that Statute; but by what Right you can Apply the words Questioning and Place to An Accidental Conversation, I am at a Loss to know

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p. 616

But really Gentlemen to speak freely, you seem to be afraid that the Express words of the Statute should be understood in their true Sense, which would by no means be sufficient for your purpose. Therefore you have disdained to restrain yourselves to the Claim of such Privileges as the Parliament of England thought sufficient, and have added more words of a Very large and extensive signification for y^r Declaration runs thus, " That the Liberty of Speech on every Debate " and matter in Assembly ought to be free, and that " no member ought to be questioned or impeached for any such Freedom of Speech in right of his Duty " in the House of Delegates by any person whatsoever or any manner or Place but by the House; so that you have endeavoured to extend your Privileges beyond those of the British Parliament by the addition of the Words, by any Person whatsoever or in any manner: If you should as I am apt to think you will be drove to say, that you have no such Design, it may be asked, why then did you put them in? there can be no other reason assigned in my opinion, but that you intended by those words to preclude or rather intimidate your Constituents from ever presuming to question Any behaviour of Yours in a Legislative way, not even by the most humble Enquiries; And it is really a Doubt with me, whether this Remonstrance of Yours was not calculated more for the sake of Your Electors than on my Account; Them, you might hope to teach a blind Obedience, and inspire with a new Reverence for your sacred Characters as for me, you could not but guess what regard I should pay to your extravagant Declarations. In short Gentlemen, take my advice as a Friend to the Rights of your House; what really are your rights insist on and preserve, so far my wishes shall always go along with you but do not, like the Vain Frog in the Fable, swell and puff up Privilege 'til it burst

T. Bladen

The House adjourns 'til 2 of the Clock

L. H. J.
Liber No. 46

Post Meridiem

The House met according to Adjournment.

M^r Harris delivers M^r Speaker a Bill entituled, An Act empowering the Iustices of Talbot and St. Mary's County Courts to allow, at the laying their next County Levy, unto Ionas Green of the City of Annapolis, Printer, the sums therein mentioned; which was read the first and second Time by an especial order, passed, and sent to the Upper House by M^r Dulany and Col. Scarborough.

The House having considered the representation of the several Naval officers, the following message was prepared and sent to the Upper House by M^r Harris and M^r Harrison (See page 298.)

p. 617 M^r Key appears in the House. Col Tasker from the Upper House delivers M^r Speaker the Bill entituled An Act empowering the Iustices of Talbot and St. Mary's County Courts to allow, at the laying their next County Levy, unto Jonas Green &c Indorsed (See page 299.)

Which Bill was read, and passed for Ingrossing

M^r Speaker communicated to the House the following Message from his Excellency

Gentlemen of the Lower House of Assembly,

In Answer to your Address of the 24th of June, I agree with you that the Letters wrote by the Governors Shirly and Clinton relating to the Indians shew those "Gentlemen's ability, and Care for their Governments," and I sincerely wish that all his Majesty's Subjects were equally Sollicitous for their own Defence and Safety, as you allow those Gentlemen to be, as to your observation that M^r Shirley was not well advised of what the Lower House of Assembly had done in favour of the Expedition to Cape Breton if you mean what was done in relation to a supply for the Defence of the Garrison of Lewisburg after it was reduced to his Majesty's obedience, I assure you, you are mistaken, and that instead of his not being well advised, he was fully acquainted with the Endeavours which were used on my Part with a late memorable Lower House of Assembly now no more to obtain a Supply for the Defence of that important Acquisition as well as the Measures that were taken by that House who, under the strongest Professions of Duty Loyalty and Affection to Our most Gracious Sovereign made use of every barefaced and dilatory Expedient to prevent any Supply from being given especially by takeing to that Bill a Provision for raising a Sum of Money for Purposes quite foreign to that Service and which they well knew had been frequently before disagreed to by the Upper House and would not be passed by them. This M^r Shirley was advised of therefore that Expression in his Letter of our Assembly who had done so little, ought by any Advocates for that House of Assembly, if there can be advocates for them, to be taken for a Compliment, Since it supposes they did something, whereas in truth they did nothing.

No Body can wish more sincerely than I do that the Expedition L. H. J.
Liber No. 46 against Canada may be attended with Success; And altho the Evil complained of by the Governors Shirley and Clinton may happen to be removed, that Albany and his Majesty's Adjacent Territories should be defended, and the common Enemy annoyed; yet surely it would be good Policy, as it is the unquestionable Duty of every good Subject, to use all possible means to Strengthen his Majesty's Forces, and to weaken the Enemy: and would not the engaging the Six Nations of Indians to join heartily with us have these two Effects? If so, does it not necessarily follow, that sparing a little money which may probably be employed to very good Purposes on this important Occasion, is an ill judged Instance of Frugality? Be pleased Gentlemen to consider that much the greatest part of mankind are influenced by their Interest, that the Indians are necessitous, and (perhaps) mercenary, that the French are artful and industrious, and well acquainted with the Circumstances of the Indians, as well as know what methods are most likely to prevail on them to take their part, and that it cannot be supposed that they (the French) will spare any Cost or pains to gain such a Considerable Accession of Strength to themselves, should they succeed, as they certainly will, if we are not equally careful and industrious to prevent it, as they are and will be to Attain it, I am sure no Body can tell what the Consequence may be to our neighbouring Fellow Subjects or ourselves. My Duty obliges me to recommend these things very earnestly to y^r most serious Consideration, as I think they merit y^r attention. I cannot help taking notice of the Impropriety of y^r p. 618 Expression in confounding this present House of Assembly with that which was dissolved last year T. Bladen

An Ingrossed Bill entituled An Act empowering the Iustices of Talbot and St. Mary's County Courts to allow, at the laying their next County levy, unto Ionas Green of the City of Annapolis, Printer, the Sums therein mentioned, was read and Assented to, and sent to the Upper House, with the Paper Bill, by M^r Joseph Hall and M^r Dennis.

The House Adjourns 'til To-morrow Morning 9 of the Clock

Friday Morning July 4. 1746

July 4

The House met according to adjournment, and the Proceedings of Yesterday were read

Col. Henry, from the Committee appointed to inspect the Accounts and proceedings of the Commiss^{rs} of the Paper Currency office, delivers M^r Speaker the following Report. (See page 300.)

Which being Read the House concurs therewith.

p. 625

And Ordered, That the Clerk of this House give notice to the Attorney General that he is required by this House to sue the Bonds

L. H. J. of the several Sheriffs following for the sums that appear by the said Report to be respectively due from them either on Account of Ordinary Licenses or public Assessment, unless they shall pay their respective Ballances into the office of the Commissioners for Emitting Bills of Credit established by Act of Assembly, by the 10th Day of August next. Viz: Walter Hanson late Sheriff of Charles County, Richard Tarvin late Sheriff of the same County, George Tarvin late Sheriff of the same County, John Cartwright late Sheriff of St. Mary's County, William Cartwright late Sheriff of the same County, John Parran late Sheriff of Calvert County, Simon Wilmer late Sheriff of Kent County, James Rigbie late Sheriff of Baltimore County, John Risteau present Sheriff of the same County, John Thompson late Sheriff of Cecil County, and James Martin late Sheriff of Worcester County: And that he also deliver to the said Attorney General the respective Accounts of those Sheriffs as they stand stated in the said report

Ordered likewise that the said Clerk give Notice to the Iustices of the several County Courts within this Province, that they are required by this House to order the Prosecutors of their respective Courts to sue the Recognizances of all such persons as have taken Ordinary Licenses, and have not paid the Fines due for the same

It being moved by a member to Address the Governor on his Message to this House in Answer to their Remonstrance of the 26 June, the Question was put, Whether this House will address his Excellency in Answer to that message. Or not

For the Affirmative

M ^r Wilson	M ^r Courts	M ^r Sheredine
Harris	Smallwood	Buchanan
P. Hammond	Harrison	Paca
Carroll	Wilkinson	Wootton
Worthington	N. Goldsborough	Addison
Hen. Hall	Lloyd	Stoddert
Smith	I. Goldsborough	T. Hammond
Brome	Hooper	Hopper
Mackall	Ennals	Tilghman
Jos. Hall	Hyland	

For the Negative

M ^r Barnes	M ^r King	M ^r Gordon
Bond	Dashiell	Dulany
Mills	Dennis	Henry
Key	Thomas	Purnell
I. Gresham	Lecompte	Robins
R. Gresham	Pearce	Scarborough
Stoughton	Bayard	

And order'd, that the Committee of Laws prepare and bring in an Address accordingly. L. H. J.
Liber No. 46

Samuel Chamberlaine Esq^r from the Upper House, delivers M^r Speaker the Journal of Accounts, with the following Message. (See page 306.)

Col. Hammond from the Upper House delivers M^r Speaker the Bill entituled, A supplementary Act to the Act entituled, An Act for laying out the Town anew commonly called Upper Marlborough Town, in Prince Georges County, Indorsed (See page 307.)

Post Meridiem

The House met According to Adjournment.

The House having considered the Message sent from the Upper House with the Journal of Accounts, A Question was put, whether the said Journal should be again sent to the Upper House with A Message to inforce it? Resolved in the Negative

For the Negative

M ^r Wilson	M ^r Mackall	M ^r Hyland
Harris	Courts	Bayard
P. Hammond	Smallwood	Sheredine
Carroll	Harrison	Buchanan
Worthington	Wilkinson	Paca
H. Hall	N. Goldsborough	Wootton
Smith	J. Goldsborough	Stoddert
Brome	Lecompte	Addison
Jo ^s Hall	Pearce	Hopper

For the affirmative

M ^r Barnes	M ^r Dashiel	M ^r T. Hammond
Bond	Dennis	Tilghman
Mills	Thomas	Henry
Key	Hooper	Purnell
J. Gresham	Ennals	Robins
Stoughton	Gordon	Scarborough
King	Dulany	

M^r Philip Hammond delivers M^r Speaker an address to the Governor, which was read; and the Question being put, whether the said Address shall be now taken under Condition? It was Resolved in the affirmative

L. H. J.
Liber No. 46
p. 627

M^r Bond

Mills

Wilson

Harris

P. Hammond

Carroll

Worthington

H. Hall

Smith

Brome

Mackall

Jo^s Hall

For the affirmative

M^r Courts

Smallwood

Harrison

Wilkinson

N. Goldsborough

Lloyd

Thomas

J. Goldsborough

Hooper

Ennalls

Lecompte

Pearce

M^r Hyland

Bayard

Sheredine

Buchanan

Paca

Wootton

Addison

Stoddert

Hopper

Tilghman

For the Negative

M^r Barnes

Key

I. Gresham

R. Gresham

Stoughton

M^r King

Dashiel

Dennis

Gordon

Dulany

M^r T. Hammond

Henry

Purnell

Robins

Scarborough

The Question was then put whether the House doth approve of the said Address, and

Resolved in the affirmative

For the Affirmative

M^r Wilson

Harris

P. Hammond

Carroll

Worthington

H. Hall

Smith

Brome

Mackall

Jo^s Hall

M^r Courts

Smallwood

Harrison

Wilkinson

N. Goldsborough

Lloyd

I. Goldsborough

Hooper

Pearce

Hyland

M^r Bayard

Sheredine

Buchanan

Paca

Wootton

Addison

Stoddert

Hopper

Tilghman

For the Negative

M^r Barnes

Bond

Mills

Key

J. Gresham

R. Gresham

Stoughton

M^r King

Dashiel

Dennis

Thomas

Ennalls

Lecompte

Gordon

M^r Dulany

T. Hammond

Henry

Purnell

Robins

Scarborough

The Address being approved of, was ordered to be ingrossed. The L. H. J.
 Ingrossed address being brought in and read, the Question was put, ^{Liber No. 46}
 whether the House doth Assent thereto? Resolved in the Affirmative.

For the Affirmative

M ^r Wilson	M ^r Smallwood	M ^r Sheredine
Harris	Harrison	Buchanan
P. Hammond	Wilkinson	Paca
Carroll	N. Goldsborough	Wootton
Worthington	Lloyd	Addison
Hen. Hall	I. Goldsborough	Stoddert
Smith	Hooper	Hopper
Brome	Pearce	Tilghman
Mackall	Hyland	
Jo ^s Hall	Bayard	

For the Negative

M ^r Barnes	M ^r King	M ^r T. Hammond
Bond	Dashiel	Henry
Key	Dennis	Purnell
I. Gresham	Thomas	Robins
R. Gresham	Ennalls	Scarborough
[Stoughton]	Lecompte	

The Address was then ordered to be signed by the Honourable
 Speaker on Behalf of the House; And it is as follows, Viz.

To His Excellency Thomas Bladen Esq^r Governor of Maryland

May it please your Excellency

Our Remonstrance, presented you in support of the Privileges of
 our House violated by y^r Excellency in the person of M^r Smith, is so
 far from affording us a Prospect of a Forbearance of such Practices
 for the future, that your very Answer is a fresh Breach of the
 Privileges of this House, by your Endeavours to render us con-
 temptible, as you manifestly do in every Part of that extraordinary
 message. We have always thought that civil Language was most
 becoming the Charact^{rs} of Gentlemen even in a Private Conversa-
 tion, and much more so in all kinds of Correspondence in A Parlia-
 mentary way, and have Accordingly been careful, even under strong
 Provocations to the Contrary, to behave, in all Intercourse with
 your Excellency, agreeable to such Sentiments; and this perhaps may
 have been the Reason why we have been so frequently treated, as
 of late we have been, in so unbecoming a manner by your Excellency.
 A Confession and Excuse is often better made than a Iustification,
 and particularly so, when a Fact charged is true, and that Fact is
 against some Rule of Conduct, or matter of Right; and therefore

L. H. J. we cannot help thinking, that a Confession and Excuse of the Subject matter of our Remonstrance had Appeared more open and candid than y^r Endeavour to darken that Point, which you promise
 Liber No. 46 "to put in as Clear a light as you can, not only to Our own understandings, but also to that of our Constituents," In order to which
 p. 628 you recite a Paragraph of the Bill of Rights, and clap y^r Finger on the words Impeached and questioned in that Clause; and in order to make them serve your purpose, you say they are to be taken in a "legal Construction, which is the only proper Rule for the Exposition of an Act of Parliament " But does not your Excellency see, that the Term legal here is equivocal. Is not there a Law of Parliament as well as a Law of ordinary Iustice, distinct from each other and are not the Rules of Construction under each as different as the two Laws themselves, And yet both legal in the extensive Meaning of the words? and tho a legal Construction according to the latter may be proper in such matters as come under the Determination of A Court of Laws yet the present Case is not such, as is plain from the Clause itself " That the Freedom of Speech, and Debates or Proceedings in Parliament ought not to be Impeached or questioned in any Court or Place out of Parliament," unless your Excellency, to proceed as you have begun, should say, that a Prohibition to act is giving a Power to Act, and that the Courts of Law have A Right to construe what they have no Right to determine The only legal Construction to be admitted in the present Case is the Parliamentary legal Construction and this likewise appears from that very Clause in "any Court or Place out of Parliament " where it is plain the Impeaching or Questioning is to be in Parliament, and is an Affirmative as the former Part is a negative what Rule of Construction then is to be admitted in Parliament but a Parliamentary one? and how is that Rule to be ascertained but by the Practice of Parliament in like Cases previous to the making that Act? and no doubt but your Excellencys great Knowledge in Priviledge must inform you upon Recollection that before the making that Statute not only the Calling Members to appear before the Courts of Law, and in other Places besides the Courts of Law but Even the Calling them to an Account for, or the abusing and censuring them in a private way for their Expressions in Parliament has been often held a Breach of Privilege And why this Statute which is but declarative and a Confirmation from the Crown of one of the ancient Privileges of Parliament and which both together was the Foundation of our Remonstrance should be deemed in this Instance an Abridgement of that ancient Right and is to be Construed according to the Rules of Construction in your Courts of Law unless perhaps in time of subject the proceedings of this House to the Determination of those Courts no doubt you will satisfy yourself.

This Sir is the true sense of the Express words of that Act according to the Legal Construction of Parliament and which is

sufficient to serve Our purpose in the present Case and therefore we have disdained to restrain Ourselves to the Claim of less Privileges than the Parliament of England thought Sufficient since we are a Representative of the like Kind with themselves and may serve as a Construction to your word Question'd since it is plain from the Proceedings of parliament in such Cases before the making that Act and which is but declarative as well as from common Sense that Calling a Member to account or sensuring and abusing him in a Private way for his Conduct in Parliament was a Questioning of him Out of Parliament and a Breach of Privilege: And which may likewise serve as a more natural Exposition of that general Expression any Place in that Clause than that Restrained one you are pleased to put upon it. Let then us see what are the Amount of those words in our Declaration as you call it By any person whatsoever or in any manner which you say are more words added of a very Large and Extensive Signification. No Member is to be Impeached or Questioned for his Conduct in the House any where but in Parliament We presume Sir that every Impeachment or Questioning must be by some person and that if no Questioning or Impeachment ought to be out of Parliament then none Ought to be by any Person whatsoever out of Parliament and whatever Ought not to be done Out of Parliament ought not to be done in any manner out of Parliament.

L. H. J.
Liber No. 46

p. 629

[Where for
were]

Thus your Excellency may now see that those Words convey no other meaning than what is Contained in the former Proceedings of Parliament and a Proper Construction of that Act. But why then you ask where they inserted. To Explain particularly what was only Contained in the general words of that Act and the presedent Practice of Parliaments and by means to prevent any Misunderstanding in your Excellency and from thence your drawing that Conclusion which notwithstanding you have fallen into That tho a Fact was not to be done out of Parliament yet that it might be done by some Person and in some manner out of Parliament; And not for that Reason you give and which in your Opinion is the only Reason that can be assign'd to practice or rather intimidate our Constituents from ever presuming to question any Behaviour of ours in a Legislative way not even By the most humble Enquiries For Sir our Constituents know their Rights with Regard to us as well as we do Ours with Regard to you and they have too much good Sense and good manners to drive any of us to the necessity by a personal abuse of laying any Complaint before the House of a Breach of Privilege: And it is raily no Matter of doubt with us whether your Message was Calculated as an answer to Our Remonstrance with any hopes of justifying your Conduct by it Rather than to endeavour to fright and intimidate our Constituents into an apprehension of the Loss of their own Liberties by us, and by that means in case of an ensuing Election to bring a Bout such a Revolution among the Members as

L. H. J. that you might be Enabled to gain the several Ends you aim at; Tho
 Liber No. 46 what Success this invidious Insinuation will meet with Your Excellency may learn from a Late Instance of the like kind in an even memorable Speech delivered at the Dissolution of a late House of Delegates and afterwards as industriously propagated over the Province and which the People effectually answered and shewed a Proper Regard to by sending the very Members again whom that Speech was designed to Affect

[Query
 "genteel
 Appella-
 tion"]

We really Sir could not have guess'd at the Little Regard you have shewn for our Privileges or Charactors which as Representatives of a Free People are in a Parliamentary sense sacred and which we are determined to preserve so to the utmost of our Power notwithstanding the geteel Appentation which is given the former of "Extravagants Declarations" which, whether it proceeded from the Vanity of the Frog or the stupidity of a Certain Animal cloathed in a Lyons Skinn in the Fable the Pen-man of your Message who is acquainted with fable as well as Privilege can best determine. And really May it Please your Excellency to speak freely We are so far from being satisfyed that any part of our Remonstrance is false that we are fully convinced it is in every part of it true as well with regard to the words spoken as to the Occasion of speaking not only from the Declaration of M^r Smith himself concurring Testimony of several Members of this House who were then present. And as we have in this Case so we shall in every other Instance of like sort endeavour to preserve the Rights and Privileges of this House inviolable being well satisfyed that the natural Consequence of the Loss of our Privileges will be the Loss of the Peoples Liberties since those who are not free themselves cannot well preserve the Freedom of others; which perhaps may be the cheif Reason for the late Attempts upon the Privileges of the House of Delegates and therefore dont imagine we are to take nothing for privilege but what you are pleased to call so. To conclude we shall give your Excellency no Further Trouble on this Head but Hope as it is out of our power to obtain such usefull and necessary Laws as are Loudly called for and the just Right of the People to have that a speedy Period may be put to this Session whereby the People whom we Represent may not be run to any other fruitless Expence

p. 630 The House adjourns til To morrow Morning 9 of the Clock.

July 5

Saturday Morning July 5. 1746

The House met According to Adjournment and the Proceedings of Yesterday were read M^r Harris and D^r Buchanan ordered to acquaint the Governor that this House hath prepared an Address to him and desires to know when and where he will Please to receive

it They return and acquaint M^r Speaker his Excellency will be ready at 10 of the Clock to receive it in the Conference Chamber

L. H. J.
Liber No. 46

The same Gentlemen sent to present the Address. They return and acquaint M^r Speaker they have presented it. It being represented to this House that the Officers now raising Men for the Expedition against Canada do enlist Servants Ordered therefore that the Committee of Laws prepare an Address to the Governor requesting him that He will Order the said Officers to forbear such Practice. M^r Dennis hath leave of the House to go Home. The House Adjourns till 2 of the Clock.

Post Meridiem.

The House met according to Adjournment. M^r Thomas Iobson desireing to resign his Place of Serjeant at Arms he is discharged from any further Attendance on this House. M^r Phillip Hammond delivers M^r Speaker an Address to the Governor which was read approved of and Ordered to be Ingrossed. The House make choyce of M^r Thomas King to be their Serjeant at Arms and Ordered that Maj Hall administer to Him the several Oaths to the Government and Oath of Office. The following Ingrossed Address to the Governor being read and assented to was Ordered on Behalf of the House to be signed by the Hon^{ble} Speaker Viz.

To his Excellency Thomas Bladen Esq^r Governor of Maryland.

The Humble Address of the House of Delegates

May it please your Excellency

This General Assembly having provided a Sufficient Encouragement for Able-bodied Freemen only to enlist themselves in his Majestys service in the Intended Expedition against Canada it might reasonably have been Expected that the Officers or Persons concerned would have avoided either encouraging or taking servants belonging to the Inhabitants: But since it appears that Servants are not only Encouraged to enlist but that several are actually enlisted in Order therefore to put a stop to such Practice for the future and that Right may Be done to the Persons already injured, We intreat your Excellency will give directions to the Officers in General not to inlist any Servants and upons Being made appear to any of the said Officers that any of the Persons already enlisted By them are servants that they restore such servants to their respective Masters on Application made for them. M^r Sheredine and M^r Bayard ordered to acquaint the Governor that this House Hath prepared an Address to Him and desire to know when and where He will please to receive it. They return and acquaint M^r Speaker His Excellency will receive it on Monday Morning in the Conference Chamber. Maj. Hall acquaints M^r Speaker that M^r Thomas King serjeant at Arms had Taken the Oaths to the Government that he had signed

L. H. J. the Oath of abjuration repeated and signed the Test and Taken the
 Liber No. 46 usual Oath of Office. The House adjourns til Monday morning nine
 of the Clock.

July 7

Monday Morning July 7, 1746.

The House met according to Adjournment and the Proceedings of Saturday were read. All Members being present as on Saturday except M^r Bond M^r Mills and M^r Dennis. Col. Dashiell and M^r Harrison sent to present the Address prepared on Saturday to his Excellency. They return and acquaint M^r Speaker they have presented it. The Bill Entituled An Act for Limitation of Officers Fees passed by both Houses of Assembly in August Session 1745, was ordered to be Entered on the Journal and it is as followeth

An Act for Limitation of Officers Fees. Be it hereby declared and Enacted by the Right Hon^{ble} the Lord Proprietary by and with the advice and Consent of his Lordships Governor and the Upper and
 p. 631 Lower Houses of Assembly and the Authority of the same That from and after the End of this present Session of Assembly no Officer or Officers hereafter mentioned in this present Act their Ministers Servants or Deputies By Reason or Colour of his or their Office Officers shall have receive or take of any person or persons directly or indirectly any other or greater Fees than By this Act is hereafter limited and allowed to the several Officers hereafter mentioned That is to say

To the Chancellor or Keeper of the Great Seal.	11. Tob.
The Seal of an Original Writ	5
The Seal of a Recordary	9½
The Seal of a Subpoena ad respondendum, with three names or under	12
The Seal of a Proclamation of Rebellion	288
The Seal to a Commission of Rebellion	288
The Seal of a Grant of Land for one Hundred Acres or Under	96
Every Hundred Acres above one Hundred Acres	9½
Seal to a Decree in Chancery	344
Seal to an Injunction in Chancery	192
Seal to an Audita Querela	96
Seal to an Execution of a Decree in Chancery	129½
Seal to a Writ of Covenant for passing a Fine	12
Seal to a Commission to take an Acknowledgement	96
The Chancellors Hand to Writ of Assize	192
Seal to a Writ of Error to the Governor & Council as a Court of Appeals	192
Seal to a Scire facias thereupon	192
Seal to a Supercedeas thereupon	192
Seal to a Certiorari	192

Seal to an Exemplification of Land the same with the Patent or Grant	11. Tob.	L. H. J. Liber No. 46
The Chancellors Hand to a Writ of Covenant	192	
Seal to a Mandamus	96	
Seal to a Melius inquirendum	96	
Seal to a Provinciaall or County Court Commission	334	
Seal to a Supercedeas to a Commission of Rebellion or Supplicavit	192	
Seal to a Sheriffs Patent for his Office	384	
Seal to a Posse Comitatus	96	
Seal to a Writ of Discharge if any	96	
Seal to a Patent of Denization	344	
Seal to a Ne exeat Provinciam	96	
Seal to a Writ of Error from any County Court	96	
Seal to a Scire facias thereupon	96	
Seal to a Supercedeas thereupon	96	
For every other matter or thing that shall pass the Great Seal and not herein Contained each	96	
Seal to a Dedimus Potestatem to swear the Justices	192	
To the Secretary for a Recordari	8	
A Subpœna ad respondendum with three names and Return	16	
Every name more than three	3	
An Attachment of Contempt	11	
A Proclamation of Rebellion	80	
An Injunction	48	
A writ of Sequestration ꝑ side	9	
An Audita Querela	109	
Filing every Bill in Chancery	24	
Every Court the same shall continue	24	
Filing Every Answer in Chancery	21½	
Every Oath to the same	7	
Filing every Return of Commission and Deposition per side	9	
A Writ of Ad quod Damnum per side	9	p. 632
Passing Decree	33½	
Every Motion in Court and Order	16	
A Ne exeat Provinciam	80	
A Writ of Enquiry of Damages ꝑ side	9	
A Commission to take Acknowledgement	80	
A Writ of Covenant to pass a Fine	11	
A Writ of Assize	64	
A Writ of Melins inquirendum or Monstraverunt	80	
Drawing any Instrument that passeth the seal of it exceed one Side Computing seven words to a Line and fifteen lines to a side and so pro rato	9	
According the same per side as before	9	

L. H. J. Liber No. 46	Entring any other Matter upon Record if it exceeds not half a side	11. Tob. 4½
	If the Matter entered upon Record exceed half a side then p side as before	9
	Copying the same p side with Recording	9
	Any Warrant or License against or to more than one not under the seal each	9½
	Any Warrant or License against or to one person only not under the Seal	9½
	Any other pass or Discharge not under the Seal	9½
	Search of a Record first year Nothing	000
	Every search afterwards be the Time of what Length soever	15
	Writing a Sheriffs Commission Bond and Recording it	192
	Writing a Posse Comitatus	96
	A Writ of Discharge of any	96
	Writing and Recording a Commission and Dedimus Potes- tatem for every County Court	264
	Every Common Writ and Return	16
	Every Subpeena and Return	25½
	Filing and Recording every Declaration per side Account- ing fifteen Lines to a side and seven Words to a Line	9
	A Copy of the same at the same Rate not to be charged unless required and delivered p side	9
	Every appearance entered	7
	Entry of an Imparlance	5½
	A Continuance or Reference	5½
	Filing Plea if not special	10½
	Special plea p side as before	9
	Making up the Issue	25½
	Rule to Plead or for Tryal	5
	A Venire facias for Jurors	21½
	A Copy of the Pannel	5½
	Entring Pannel	5½
	Every Verdict	5½
	Entring and signing Iudgment	32
	A Copy of the Iudgment	20
	A Transcript of the whole Proceedings p side as before	9
	Filing a Bill of Cost	9½
	A Copy thereof if Demanded and Delivered	9½
	Every Execution and Return	19
	Filing and Recording every Demurer per side	9
	Habere Facias Possessionem	21
p. 633	A Replevin	16
	A procedendo	21
	A Writ of Restitution	21

Drawing a Dedimus Potestatem to examine Evidences	40	11. Tob.
A Habeas Corpus	28	L. H. J.
An Elegit	28	Liber No. 46
A Commission of Resurvey	40	
A Certiorari	40	
A Commission to Audite	40	
A Writ of Diminution	21	
A Writ of Error to the County Court	72	
A scire facias Thereupon	21	
A Supercedeas thereupon	21	
Entring and Acknowledgement of Land in Court	7	
Recording a Conveyance per side as Before	9	
Filing every Recognizance in Court	16	
Appearing to every Recognizance	9½	
Every special Bail	9½	
An Attachment and Scire facias	33½	
Discharging every Recognizance	16	
A Copy of every Recognizance	17	
Every Venire facias or Warrant to apprehend a Criminal	21	
Apperance to every Indictment or Verdict	9½	
Every Respit and Continuance	19	
Every Order in Criminal Cases	9½	
Every Indictment per side as before	9	
Copy of every Indictment p side	9	
Filing Plea to the same	10½	
Confession to every Indictment	9½	
Allowance of a writ of Error	14½	
Every Indictment after the first Name	13½	
Rule of Tryal	9	
Recording the Verdict	5½	
Entring Conviction and Signing Iudgment	32	
A Writ of Execution thereupon	45	
A Writ of Withernam	32	
A Writ of Extrepmnt	32	
A Scire facias on a Iudgment per side	9	
A Scire facias against Special Bail p side	9	
A Scire facias against Security for Costs or on a Recogni- zance p side	9	
Swearing every Iury	57½	
Swearing every Bailiff	5	
Every other Oath in Court	5	
Duces Tecum per side as Before	9	
Affixing the Seal of the Court to the Copy of any Instru- ment or to a Transcript of any Iudgment or any Record or Certificate	16	
Taking Security on Condemnation on Attachment	8	

L. H. J.	A Writ of Re restitution per side	11. Tob.	9
Liber No. 46	Entring Every Action Agreed		3
p. 634	A Commission to Examine Evidences per side		9
	A Scire facias on a Certiorari ꝑ side		9
	A Scire facias on a Audita Quesela ꝑ side		9
	An Attachment on Non-Compliance with the Common Rule in Ejectment ꝑ side		9
	A Provincial Commission and Dedimus Potestatem ꝑ side		9
	A Summon in partition ꝑ side		9
	An Attachment in partition ꝑ side		9
	Habere Facias Sesinam ꝑ side		9
	Returno Habendo ꝑ side		9
	A Writ of Distringas ꝑ side		9
	A Commission of Oyer and Terminer ꝑ side		9
	A Commission of Goal Delivery ꝑ side		9
	A Dedimus potestatem to swear Iudges of Assize or Sheriff ꝑ side		9
	A Writ of partition ꝑ side		9
	A Writ of Publication to the Laws		16
	Drawing a Protest and Recording it if not a Special One	128	
	Drawing any other Matter as Publick Notary attested under the seal		40
	If such Matter Exceed one side then ꝑ side		9
	Drawing every special protest ꝑ side		9
	And for every other Service not herein mentioned ꝑ side		9
	And so pro rato.		

To the Commisary General

For Entry of Demand for Administration or Probat of Wills	3
Every Order in Testamentary Causes	9½
Every Letter of Administration or Letters Testamentary	68
Every Bond	32
Every Oath	9½
A Warrant to Appraisers	16
A Warrant to swear them	16
Every Commission to prove a Will or pass Account or take Administration	68
Dedimus potestatem to take an Answer ꝑ side	9
For Recording Wills Inventories Accounts or any other Matter or Copying the same out of the Comesarys Office ꝑ side computing seven Words to a Line and fifteen Lines to a side	9
Filing Costs	9½
Copy Costs	9½

The Lower House.

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Recording definitive Sentence ꝑ side	9	11. Tob.
Executing definitive Sentence ꝑ side	9	L. H. J.
Drawing definitive Sentence ꝑ side	9	Liber No. 46
Seal to Definitive Sentence	280	
Seal to Execution of Definitive Sentence	140	p. 635
Filing every Libel Answer Replication Petition &c	24	
Copy of every Libel Answer Replication or Rejoynder ꝑ side	9	
Drawing Depositions of Witnesses ꝑ side	9	
Filing Interrogatories	24	
Every Common Citation	12	
Every Special Citation ꝑ Side	9	
Every Attachment	32	
Attachment on Decree ꝑ Side	9	
Subpœna for Costs	13	
Every Appearance	9½	
Entry of every Return	5	
Quietus est	40	
A Continuance or Reference	5	
Search of a Record first year Nothing	000	
Every search afterwards be the time of what Length soever	15	
Exemplification of Letters Testamentary or Administration under Seal	48	
Commission or Proclamation of Rebellion	80	
Commission to Examine Evidences & Commission to Auditors	32	
Scire facias	32	
Duce Tecum	40	
Every motion in Court	7	
If above one side after the of ꝑ side	9	
Transmitting Ballance and Order	14½	
Transmitting Sureties Names and Order	14½	
Transmitting Distribution & Order ꝑ side	9	
Entry of Prayer for Appeal	5	
Letters De Bonis non ꝑ side	9	
And for every other service not herein Mentioned ꝑ side	9	
And so pro rato		

To the Iudge or Register of the Land Office

For a Common Warrant and Entry	35½
For receiving the same and Entry	35½
For a Special Warrant enclunding Petition and Order thereon	400
For renewing every Special Warrant	80

L. H. J. Liber No. 46 p. 636	For making out a Grant	11. Tob. 96
	For Recording the same	72
	For Recording Certificates p side computing 105 words to a side	9
	For every Deed or Assignment	25½
	For every Petition and Order thereon	160
	For Hearing and Sentence thereon	80
	For all Copies p side computed as before	9
	For searching any Matter or thing the first year Nothing. And for all searches above one year be the time of what Length soever	15
	And for every other Service not herein mentioned p side And so pro rato	9

To the Surveyor General and his Deputies

For the surveying One Hundred Acres of Land and in proportion for a lesser Quantity	80
For surveying any Quantity above 100 Acres and under 200 Acres and in proportion	40
If between 200 Acres and 500 Acres then for the first 200 as before and for all above in proportion to 20 lb To- bacco p Hundred Acres	
For 500 Acres as before and for every Hundred Acres above at p Hundred Acres	8
For every Plat allowing three Plats for every Survey that is to say one to the Party one to the Examinor Gen- eral and the other to be entered upon the Surveyors Book for the first Hundred Acres or under	8
For all above the first Hundred Acres p Hundred	4
For Journey Fees if the same be distant from the Survey- ors House Twenty Miles or under	32
If above Twenty Miles and under Forty	64
If above Forty Miles and under Sixty	96
And so pro rato	
For every Certificate of survey be the Quantity more or less	4
For the Resurvey of 140 Acres of Land or under maid with a Circumferentor Chin and other necessary In- struments	320
For resurvey of any Quantity of Land above 140 Acres made with a Circumferentor Chin and other necessary Instruments the same fees that are allowed upon primitive Surveys Computing the said 140 acres as part of the Survey.	

To the Examiner General

11. Tob. L. H. J.
Liber No. 46

For Examining every Certificate for one Hundred Acres and under	48
From one Hundred to 200 Acres	56
From 200 to 300 Acres	64
For every 100 Acres above 300 Acres	4
In the same Manner for every Tract in Resurvey for the Vacancy if any be added and for the whole when reduced into one Tract	

To the Iudge of the Admiralty Court

p. 637

For every Sentence of Condemnation or Acquital	160
For attesting all Depositions	24
For every stipulation made before Him	96
For every Days Attendance	20

To the Register of the Admiralty Court

For Filing and Recording Libel Petition Answer or Depo- sition or any other Matter Computing 105 words to a side and so pro rato p side	9
For every other matter entered in the Minutes or on Record p side	9
For Copy Libel Petition Answer Deposition or any other matter p side	9
For every Writ under Seal p side	9
Filing Bill of Cost	9½
Copy Bill of Cost	9½
Entring and Signing Decree or Iudgment	32
Swearing every Evidence in Court	5
For Issue and Rule	25½
Drawing every Deposition p side	9
And for every other service not herein mentioned p side And so pro rato.	9

To the Marshal of the Admiralty Court

For serving every writ for seizing a Vessel	28
For Serving every writ against the Commander	28
For Subpœna every Witness	24
For every non est inventus on Writ or Subpœna	8
For swearing Evidence in Court	9½
For Subpœna Appraisers	48
For every proclamation	16
For serving every writ of Attachment	28
For every Vessel acquitted	64

L. H. J. For any other extraordinary Service when obliged to travel
 Liber No. 46 from Home at the rate 2½ pounds of Tobacco ꝑ Mile
 besides Ferriages and necessary Expences to be al-
 lowed By the Iudge on proof being made thereof.

11. Tob

To the Clerk of the Council

Every Petition in Council and Order in Favour of the Party	160
Any Commission or other Instrument prepared By the said Clerk to pass the Board if for a place of profit	160
Recording the same	160
Every Sherriffs Commission	320
p. 638 Every Coroners Rangers Surveyors Commission or other Commission of Profit	160
Recording any Matter in Council ꝑ side for any private Person computing 105 words to a side	9
Copy of any Matter or Thing from the Council Records	9
All Searches to the Clerk of the Council the same Fees as are allowed to the Secretary	

To the Clerks of Court of Appeals

Recording every Writ Error Scire facias and Return ꝑ side computing 105 to a side the like for recording a Transcript the like for Recording of Errors ꝑ side	9
Entring and fixing Iudgment	50½
Filing a Bill of Cost	14½
Copy of the same ꝑ side	9
Filing Bill of Cost from the Provincial Chancery or any other Court	14½
Writ of Diminution	22½
Writ of possession or any other Execution	21
Entring any Motion or Order Filing or Recording any Bond in Court Entring any Petition Entring and Drawing any Affidavit or Deposition Taken or Returned into Court Copy Errors Recording Proceedings transmitted from the Chancery Court or Copy the same Filing any Plea Replication or Demurer or Copy the same in Common Law Proceedings Entry and Reference in Court and Copy the same or Copy the same or Copying any other Proceedings ꝑ side and so pro rato	9
Issue and Rule	25½
Affixing the Seal of the Court to any Copy of Proceedings or Exemplification	140
And for all other Services the same Fees as Taken in the Secretary's Office	

To the Clerk of the County Court

1h. Tob. L. H. J.
Liber No. 46

A Writ and Return	9½
Every Declaration if a side 4¾ and so pro rato if more	
A Copy of the same if demanded as before	
Entrting every Appearance	4
Every Imparlance	2½
Filing every Plea and Demurer if not a Special one	3
If a Side or more pro rato if a Copy delivered pro rato	
Entrting any Matter upon record if half a side	2½
If more then p side	4¾
A Subpœna	6½
Rule to plead or Trial	2½
For making up the Issue	6½
A Copy if Delivered	6½
Entrting Iudgment	9½
Signing Iudgment	5½
A Venire Facias for a Iury	7
Entrting the Pannel	2½
Filing Bill of Cost	5½
A Copy of the same	5½
Execution and Return	9½
For Special Bail	4
A Writ of Enquiry of Damages at 4¾ p side and so pro rato	p. 639
For entrting an Appeal	5
The Return of Certificate Copy of the Record p side	4¾
Entrting a Writ of Error	5
Proving a Deed or Writing	5
A Copy of the same if required p side	4¾
Recording the mark of Cattle and Hogs	3
Taking Acknowledgement of Land in Court	5½
Recording a Conveyance of Land p side	4¾
Allowance of Habeas Corpus	5
Search every Year within the first five Years p Annum	2½
For every year above five years p Annum	1½
Criminals For taking Recognizance	9
Discharging of Recognizance	9
A Venire facias or Warrant	9½
For every Appearance	5½
Every Respit and Continuance	5½
For every Order	5
A Copy of Recognizance	5
For every Indictment p side	4¾
A Copy of the Pannel	2½
For Recording the Verdict and Appearance thereto	9½
Entrting the Iudgment	15

L. H. J.	Execution of the Iudgment	11. Tob.
Liber No. 46	A Copy of Indictment p side	13½
	Filing a Plea	4¾
	Confession of Indictment	5½
	Every Scire facias at 4¾ p side and so pro rato	5½
	Attachment and scire facias	19
	Short Copy Iudgment	9½
	Habeas Corpus	9
	Elegit	9
	Taking and Recording Bond for Orphans Estates	17½
	Duces Tecum	9
	Taking Security Condemnation	4
	Every Action Agreed	2½
	Commission to Examine Evidences at 4¾ p side and so pro rato	
	And for every other Service not herein mentioned p side	4¾
	And so pro rato	

p. 640

Chancery Proceedings in the County Court

Entring Motion and Order	5
Entring and Signing Decree	15
Filing Costs	5½
Copy Costs	5½
Affixing the Seal to any Transcript or Certificate	5½
And for every other service not here in mentioned 4¾ p side and so pro rato	

To the Sheriffs

Serving Writ and Bail Bond	28
Collecting the publick Dues for every Hundred	8
Serving an Attachment or Execution	8
And if any Execution be for above 100 and under 500 ^h	
Tobacco	40
If it exceed 500 ^h Tobacco then	80
If it exceed 1000 then for the first Thousand	80
And for every Thousand after the first	40
For every Commitment and Releasement	32
Impanelling a Iury	96
Serving Scire facias including the person summoned	24
Serving Citation	24
Executing a Commission of Resurvey p Day	80
Impanelling a Iury	192
Summoning Evidences to prove the Bounds of Land for each Person summoned	24
If Impowered to sware Iury and Evidences for every Oath	9½

Every non est inventus returned	8
Serving a Subpœna	24
For keeping a Prisoner in Custody and finding him Vic- tuals during the first Months Imprisonment 7 Day	16
For every Days Imprisonment and Victualling after the first month 7 day	8
Serving Writ of Possession	120
Serving an Ejectment	80
For Electing Burgesses if a Whole Election and so pro rato for one or more	1200
Serving Attachment of Contempt	40
Serving Writ of Estrepment	80
Serving Ne exeat Provinciam	96
Serving a Copy Declaration or short Note	5
Summoning Appraisers to Value Goods taken by an At- tachment or Fieri facias For each Appraiser sum- moned	24
Swearing the said Appraisors every Oath	9½
Executing a Writ of Ad Quod Damnum or Melius inqui- rendum per day	80
Impannelling a Jury on the same	192
Swearing the said Jury for every Oath	9½
Taking an Inquisition and returning the same with the said Writ	80
Summoning Appraisers to Value the Goods taken by a Replevin for each Person summoned	24
Swearing the said Appraisers every Oath	9½
Serving a Writ of Re restitution	120
Impanelling a Jury to enquire of a forcible Entry or De- tainer	192
If impowered to swear the same for every Oath	9½
For each Person summoned as an Evidence on the same	24
For swearing the said Evidences every Oath	9½
For summoning Chain Carriers on any Occation where required each Person summoned	24
For swearing the same every Oath	9½ p. 641
For an Arrest on a Warrant	28
For serving Duces Tecum	28
Return on an Attachment	8
On the Condemnation of any Attachment if it be for 100 and under 500 th of Tobacco	40
If it exceed 500 th Tobacco then	80
If it exceed 1000 th Tobacco then for the first 1000	80
And for every 1000 after	40
Returning Fieri facias or Replevin each	8

L. H. J.	Then the same Fees allowed as upon Attachments the	11. Tob.
Liber No. 46	same Fees allowed upon any Distress made for Rents	
	Returning Writ Returno Habendo	80
	The same Fees allowed upon this as upon Executions or	
	Attachment	
	For Returning Writ of Distringas	80
	The same Fees allowed upon This as upon Execution or	
	Attachment	
	For Return of an Elegit Exten[t] or Writ of Liberate	80
	Impanelling Jury on the same	192
	For swearing the same Each	9½
	And then the same Fees as upon Attachments	
	Serving Writ of Restitution	120
	Summons in Partition every Person summoned	24
	Serving Writ of Partition	80
	Impanelling Iury thereon	192
	Swearing the Iury Each	9½
	Attendance p day	80
	Serving Attachment in Partition	40
	Returning writ Enqu ^{ry} of Damages	80
	Impanelling Iury thereon	192
	Swearing the same each	9½
	Attendance p day	80
	Proclamation of Rebellion	96
	Serving Copy Account	5
	Serving Withernam	80
	And then the same Fees Allowed as upon Replevins	
	Attendance p day where required on any Occation	80
	If any Execution or Attachment be for Current money	
	then rating Tobacco at Ten Shillings p Hundred and	
	the same Fees allowed as Tobacco and if any Execution	
	or Attachment Be for Sterling money its to be brought	
	into Current money at 133⅓ p Cent Exchange and	
	then in Tobacco and allowed as before	
p. 642	Summoning any Person as Evidence to attend Court or	
	upon any Occation when required each	24

To the Coroners

Viewing the Body of any Person or Persons murdered	
Slain or otherwise dead by misadventure to be paid	
out of the Goods and Chatels of the Party so dead if	
any there be otherwise to be levied by the Commis-	
sioners of the County where such Accident shall	
happen	200
Arresting or Summoning any Sheriff sued or Prosecuted	
in any Court and for taking Security	32

Arresting Summoning or Attaching any other Person or Persons whereon the Sheriff is Plaintiff such Fees as are allowed to be taken by the Sheriff and no more.

11. Tob. L. H. J.
Liber No. 46

To the Cryer of the Provincial Court

Swearing Every Jury	115
Swearing Every Witness	9½
Swearing the Bailif	9½
Every special Bail	57½
Every good Behaviour	57½
Clearing every Prisoner by Proclamation	64
Aquital of every Prisoner	64
Every Appeal from the County Court	40
Every writ of Error returned from the County Court	40

To the Cryer of the County Court

Swearing Every Jury	38½
Swearing Every Bailiff	5
Every Oath	3
For special Bail	22
For good Behaviour	22
Clearing Every prisoner by Proclamation or Acquital	32

And be it further Enacted by the Authority afd that the Comesary general shall charge no Fees for any services whatsoever which shall be done by Deputy Comesaries in Virtue of their Office

And whereas Pauper Estats by former Laws of this Province exceed Ten pounds Current Money Be it also Enacted by the Authority afd that during the Continuance of this Act all Estates not exceeding Thirty pounds Current Money shall be deemed pauper Estates and that in this Case there shall be no Larger or other Fees taken by any Deputy Commissary than is by a former Act settled as to pauper Estates not Exceeding Ten pounds nor any Fee at all by the Commissary General

And whereas it is greatly Complained of to this present General Assembly that in many or all the Courts of this province the Clerks greatly multiply Fees by Entering unnecessary motions Petitions & Orders Be it therefore Enacted by the Authority afd by and with the Advice and Consent afd that in all Cases civil and Criminal wherever any motions are made or petitions Tendered for any Order no Entry shall be maid of them nor any Charge Either for Motion p. 643 petition or Order Unless it shall be particularly required by some Party to the Matter and that then in such Case only the Party at whose Request such Entry of Motion Petition or Order shall be made shall be charged therewith and lyable therefore in such manner as by this Act is directed and that the adverse Party shall be lyable for the Cost of such Entry of motion Petition or Order

L. H. J. And be it further Enacted by the Authority af^d that no officer or
 Liber No. 46 Officers their Clerks Ministers or Servants in this Act mentioned shall charge any other or larger Fees than by this Act is limited and Appointed under any pretence whatsoever nor under any other Denomination than mentioned in this Act unless the Consent and Approbation of the General Assembly of this Province first be had and obtained And if any Office or Officers their servant Ministers or Clerks shall demand and Take any other or larger Fee or Fees than is herein before mentioned that then and in such Case they forfeit and pay to the Parti or Parties from whom they shall demand and take such extraordinary Fee or Fees not only the Fee or Fees so charged or taken but also the sum of Five Thousand Pounds of Tobacco to be recovered in any Court of Record within this Province by action of Debt Action on the Case Indictment or Information wherein no Essoin Protection or Wager of Law shall be allowed

And be it further Enacted by the Authority af^d that all Officers mentioned in this Act save the Chancellor or Keeper of the Great Seal or Surveyor General when such Office shall be in the Hands of the Governor who shall Enjoy any the Offices af^d shall on or before the first Day of September next take the following Oath before some provincial or County Magistrate Viz. You A. B. do swear that you will well faithfully & Imparcially to the best of your Skill and Knowledge execute your Office and that you will not willingly or wittingly charge ask exact or demand any other or larger Fees for doing your Duty in your Office than is mentioned in the Act Entituled An Act for the Limitation of Officers Fees now in Force And as often as any Person or Persons shall be appointed for said Office or Offices (save as before excepted) they take the said Oath prior to their receiving any of the Profits of any such Office or Offices

And be it further Enacted by the Authority af^d that Accounts of all Officers Fees herein mentioned shall be made out and Drawn in a fair and clear Manner and in Words at length and when ever any Person or Persons interested in them or to whom the same shall be charged shall desire a Copy of such Account the several Officers shall and hereby [are] required to give such Person so applying therefore in as short a Time as may be Convenient an Acco^t of such Charge in Words at length And that all under Clerks any Deputies writing in any the Offices af^d or doing service in them shall by the Time af^d or before they enter into any the Services af^d before some Provincial or County Magistrate take the following Oath Viz.

You A. B. do swear that you will not for Lucre or Malice delay any person or persons applying to you for any Business belonging to the Office you officiate in, and that you will not ask or demand from or charge to any such person or Persons any Fee or Reward whatsoever for any service you shall do as Clerk to the said Office
 p. 644 for your principal and Also that in making out the Office Fees for

your Principal you will not willingly or wittingly charge other or higher Fees than limited in the Act Entituled an Act for the Limitation of Officers Fees which said Oaths before mentioned shall be severally returned By the Magistrate before whom the same shall be taken to the Principal or County Offices as the Case shall require and be there entered on Record

L. H. J.
Liber No. 46

And be it further Enacted that in Case any person or Persons to whom such Fees as mentioned in this Act shall be properly chargeable shall refuse to pay the same so the said Fees be charged as by this Act is directed and by the Officers therein before mentioned it shall and may be lawfull for the said Officers to recover the same by way of Execution against the Tobacco or other Goods or Chatels of the person or persons so refusing to pay the same Provided always that such Person or Persons having no Tobacco and that shall refuse to shew unto such Officer or Officers as shall Collect the same such other Goods and Chatels it shall be lawful for such Officer or Officers to take the Body or Bodies of such Person or Persons in Execution of the same

Provided also that no Officer or Officers in this Act Mentioned and whose Fees are hereby settled and Limited shall by Virtue thereof either have or cause to be levied any Execution upon the Body Goods or Chatels of any Person or Persons whatsoever for any Fees in this Act Limited and Contained without delivering or causing to be delivered a true and just Account of the Fees to them due by this Act as af^d under the Hand or Hands of such Officer or Officers to the Person or Persons from whom such Fees shall be due at least Thirty Days before any Execution or Executions shall be levied And in Case [any] Officer or Officers before mentioned shall in any sort act contrary hereto such Officer or Officers so offending shall forfeit and pay to the party grieved five Thousand pounds of Tobacco to be Recovered in any Court of Record within this Province by Action of Debt Action on the Case Indictment or Information wherein no Essoin Protection or Wager of Law shall be allowed.

And be it further Enacted that no Officer or Officers herein before mentioned under the penalty af^d to be recovered as af^d shall make or send out their Fees on Execution but once in every year and that between the first day of November and the Twenty fifth Day of December yearly during the Continuance of this Act And that the party or parties charged their persons Goods or Chatels shall not be Executed for any of the af^d Fees unless their Accounts be delivered them at or before the Twentieth Day of February in any year they shall Demanded

And be it further Enacted by the Authority af^d that wherever any Surveyor returns a Certificate or Certificates for the Examination of the Examiner and that the same shall be found erroneous that in such Case the parti for whose use such survey is made shall not be

L. H. J. burthened with double Fees either by the Examiner or Surveyor
 Liber No. 46 but that the several surveyors shall pay the Examiner for any Extraordinary Trouble they give him in Reexamining such Fees as by this Act is Allowed to the Examiner

This Act to continue for seven years and to the End of the next Session of Assembly that shall happen after the Expiration of the said seven years.

The House Adjourns til 2 of the Clock

Post Meridiem

The House met According to Adjournment. M^r Nicholas Goldsborough & M^r Broome sent to Acquaint his Excellency that no Publick Business lies before this House

M^r Speaker Communicates to the House the following Message from the Governor

Gentlemen of the Lower House of Assembly

p. 645 You have heard no Doubt as well as myself of the joyful news of the Total Defeat of the Rebels in Scotland upon the News of their being drove out of England, I gave Orders for and encouraged what Publick Testimonies of Loyalty I could on that Occation

But this decisive Action must fill all our Hearts with such loyal Transports of Ioy that I doubt not to meet with your Concurrence to make them as publick and in as handsome Manner as the Circumstances of our province will permit suitable to the Occasion either upon the Credit of what we have now received or when a fuller Account shall be brought Thereof especially as the Assembly may not be then sitting and to do this I hope for your Advice and Assistance

T. Bladen

Which being read Ordered that the Committee of Laws prepare and bring in an Address in Answer thereto.

A Question was then put Whether the said Committee shall have any Instructions from the House in relation to drawing the said Address Resolved in the Negative

For the Negative

M ^r Barnes	M ^r Harrison	M ^r Purnell
Wilson	Wilkinson	Sheredine
Harris	N. Goldsborough	Buchanan
P. Hammond	Loyd	Paca
Carroll	Thomas	Wootton
Worthington	I. Goldsborough	Addison
Smith	Hooper	Stoddert
Broome	Ennalls	T. Hammond
Mackall	Lecompte	Hooper
Jos. Hall	Pearce	Tilghman
Courts	Hiland	Henry
Smallwood	Bayard	

For the Affirmative

L. H. J.
Liber No. 46

M^r Key

J. Gresham

R. Gresham

Stoughton

M^r King

Dashiel

Gordon

Dulany

M^r Robins

Scarborough

M^r Speaker likewise communicates to the House the following Message from the Governor Viz.

Gentlemen of the Lower House of Assembly

Before I received your Address I directed some Servants who were enlisted to be discharged and I shall Continue so to do when Application shall be made to me as I am convinced that it would be unjust to, and a great Hardship on Masters to be deprived of their servants Labour: But at the same time I must be careful to avoid giving any Obstruction to his Majestys Service by Discharging 2 Persons inlisted who have entered into Contracts of Servitude for a few Months.

T. Bladen

M^r Phillip Hammond delivers M^r Speaker an Address to the Governor which was read approved and Ordered to be Ingrossed

The Ingrossed Address being brought in read and Assented to was Ordered on Behalf of the House to be signed by the Hon^{ble} Speaker and be it as follows Viz.

To His Excellency Thomas Bladen Esq^r Governor of Maryland

The Humble Address of the House of Delegates

May it please your Excellency

Tis with the Greatest Pleasure we here of the Success of his Majesty's Arms in North Britain and of the late decisive Victory obtained over the Rebels near Inverness and have no reason to doubt but that welcome news will be soon confirm'd. p. 646

We assure Your Excellency that our Hearts are sincerely elated at this Happy Event and we shall in our respective Neighbourhoods communicate the same and make no Doubt but it will be very Satisfactory to all the People of Maryland and that in each County they will give Testimony of their joy suitable to the Occasion without any publick Charge and we make no Question of your Excellency's doing the like in the most handsome manner at the seat of the Government

M^r Lloyd and M^r Wilkinson ordered to acquaint his Excellency that this House hath prepared An Address to him and desires to know when and where he will please to receive. they return and Acquaint M^r Speaker his Excellency will be ready immediately to receive it in the Council Chamber.

The same Gentlemen sent to present the Address. They return and Acquaint M^r Speaker they have presented

The house adjourns til To-morrow Morning 9 of the Clock

L. H. J.
Liber No. 46
July 8

Tuesday Morning July 8. 1746.

The House met according to Adjournment and the proceedings of Yesterday were read
The House adjourns til 2 of the Clock

Post Meridiem

The House met According to Adjournment

M^r Speaker Communicates to the House the following Message from the Governor Viz.

Gentleman of the Lower House of Assembly

You are sensible that by the Duke of Newcastles Letter his Majesty expects Cloaths should be provided for Soldiers and the Expences thereof to be discharged by General S^t Clair who we do not hear is yet arrived and yet it is high time some step shou'd be taken in order to procure such Cloaths As by all Computation from the Number of Levies incouraged by that Act it is supposed there will be a Considerable sum of money remaining of what you have appropriated for the Subsistance and Conveyance of the Troops over and above what will be necessary for such purposes, Therefore I hope you will think it proper such or so much of what Surplus may remain may be applyed for the providing Cloaths and that the same money may be replaced by the payment from General S^t Clair.

T. Bladen

Which being read Ordered that the Committee of Laws prepare an Address in Answer thereto

M^r Speaker likewise communicated to the House the following Message from the Governor Viz.

Gentlemen of the Lower House of Assembly

I shall answer your paper without any Title presented to me 5th Instant under three General Heads

1st with regard to my Behaviour towards M^r Smith a member of your House

2^d With regard to your privileges

3^{dly} With regard to the Indecences of Expression

As to the first you say you are convinced that every Part of your Remonstrance is true as well with regard to the words spoken as to the Occation of speaking them and this Conviction you found not only on the Declaration of M^r Smith but from the Concurrent Testimony of several Members of your House who were then present

I was in Hopes that I acquainted your House with some words I might probably say and others I was sure I did not say you would have Been so charitable as to have given my Recollection of what then passed some greater Degree of Credit I now find you have done [Than is omitted after credit] but instead of that you have entered into an Examination of some

your Members and since I cannot be supposed to have at that Time an Oppertunity of being present and hearing what they then Declared to the House it is not to be imagined but that I might endeavour to be informed of what they said by way of Evidence without any (ever supposed) Breach of Priviledge and upon the best Account I Can get I find two Members declared themselves on the Subject: One of them remembered I should say that M^r Smith was an ungreatful sorry Fellow or a sorry ungreatful Fellow the Other declared I said he was a sorry Fellow: As to the last Member I must in my Own Vindication observe that he is so linked with M^r Smith in more then one respect that without a Supposition of a Wilful misrepresentation he might have easily led into an Opinion of such words being spoken as M^r Smith might thro Warmth of Temper (of which if I am not mistaken he is very susceptible) believe I really spoke. But the first member couples the word sorry with the word ungreatful, and that is more likely of the Two for I am certain I never called him sorry Fellow only as expressed in the Remonstrance I confess I did Call him ungreatful Fellow for which I gave you my Reasons in my Answer and in my Opinion that Vice contains not only the Idea of a sorry Fellow but more however I cannot help taking notice that tho the Appellation of ungreatful was used by me yet M^r Smith did not think proper to make that Expression part of his Complaint for what Reasons he knows Best

Thus far I have Considered what I am told was Declared in favour of M^r Smith's Varacity in your House but pray Gentlemen did you Examine the other Members who were said to be present at the same Time If you did I doubt not but you found from them that they did not hear me say the words which I have denyed and they have declared so to me nor did M^r Smith mention any such words to the first Company he went into after the Affair hapened when his Heart was full of it and his memory least likely to deceive him And then why may not I without much Presumption lay claim to (at least) as Good Credit as M^r Smith I am not a Stranger to his Violence against Governors I suppose from mistaken Principles But what I pray Could Influence me to deny any Words much less sorry Fellow on that Occation when I acknowledge much stronger and which yet with any other words M^r Smith Can fancy I did then say can have no relation to your Privileges which are in the second place to be considered

And now Gentlemen I must observe that tho this Conversation with M^r Smith gave rise to your Complaint of a Violation of your Privilege by me which was at first my own Case yet by your Remonstrance you Sufficiently shewed what you aimed at and by the Paper lately presented to me have put the matter which I Charged you with in my Answer in Relation to your Electors Beyond all Possibility of doubt so that the Dispute will Presently appear to be

L. H. J. not so much How I am to behave but your Electors must demean
 Liber No. 46 themselves towards you under this New Claim of Privilege and it is
 [How is omitted after but] now become the Cause of every individual Man of the Province

In my Answer I contented my self with making some Observations on the Statute of 1st of W^m & Mary declaring the Rights and Liberties of the Subject and this you mention under the Title of the Bill of Rights which Mistake of Appellation is very excusable since I am satisfied by the Reasoning on the Law part of your Paper no Lawyer was consulted with I did not go any Further Back than the Statute not doubting but the Force of the Very Words with my Remarks and your Own Knowledge in that Point would have Satisfied you how ill founded your pretended Privilege is: But as I now find that by any Helps you Can get you appear to had very little Insight into this Point I must give as good an Account as I can at present of this Prevelege of Freedom of Speech in General after which I shall enter into a Discussion of so much as (I can understand) of what you have advanced on that Head and also shew the Consequences of your Extraordinary Doctrine to the Liberty and Freedom of your Electors.

By the Noble Historian of the Civil Wars (whose Authority and Reasoning on this point stand unquestionable at this Day) Freedom of Speech and Freedom from Arrest are the Chiefest Privileges Access to the King and Correspondence by Conference with the Lords are rather of the Essence of their Councils than Privileges But as the Freedom of Speech is the only point before Us I shall Confine my self to the Consideration how that Has Been from Time to Time

I am not acquainted with any Statute before the 4th Hen. 8th Cap. 6th on this Point, " That all suits Accusements Condemnations Executions Amerciaments Punishments Corrections Charges & Impositions that had Been then put upon Richard Strode and every of his Complices that were of that parliament or should be of any other Parliament for any Bill Speaking Reasoning or Declaring of any matter or Matters Concerning the Parliament to be communed or Treated of should be utterly Void and of no Effect.

M^r Petit remarks on this Statute " That it was not introductive of any new Law nor did it give any new Privilege to the Members of Either House of Parliament, but was only Declaritive of the Ancient Customs and Usage of Parliament.

If this is the Privilege with regard to the Freedom of Speech how can my Behaviour in Consideration with M^r Smith be accounted a Breach of it. was he sued, accused, condemned, executed, amerced punished, or corrected, was he obliged to pay any Charges or Impositions? And you will find that M^r Petit who was Compiler of every Instance in the support of Parliament And its privileges does not pretend to prove that what passes in Conversation even in an angry

manner is a Breach of Privilege so far from that the Instances he produces in the Reigns of Eliz^a & James 1st on this Subject are only where the members were actually restrained by an Order from the King the privi Council or a Court of Law and were not permitted to Attend the Parliament

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It is very true that when James the first endeavoured to stretch p. 649
Prerogative the Commons to be even with him made one or two Extraordinary Declarations in point of their Privileges of Speech and of their Members But I do not know or ever heard of one single Instance where the House of Commons Either in the Reign of Iac 1st or at any other Time before 1641 or since 1660 took notice of any Person for reproving a Member in Conversation in any Point debated in the House for indeed to suppose the Contrary would be to suppose the Electors gave up their Liberty instead of preserving it by their Election of a Representation

It is well known that in the Reign of Charles the 1st there were many Encroachments by the King on the Privileges of Parliament and afterwards more by the House in 1641 on the Liberties of the Subject under pretence of privileges: In the period I do agree you may find some Votes and Resolutions agreeable to your present Claim but which can never take Effect in this or any other Country of Liberty. I pass by the Usurpation of Oliver Cromwell with only this Remark, That both it and the Blood and Confusion which preceded were in a great measure the Consequences of the House of Commons intimidating the Nation by extending their privileges and Votes and Resolutions concerning them.

In the Reigns of Charles 2^d & James 2^d there is not one instance that I Know of any Person being censured by the House of Commons for what passed either in a Dispute or Quarrel where words were only used towards a Member concerning any Matter debated in the House; and surely if the Words Questioning or Place bore the signification you Concent for, many Instances must have hapened where the member might think himself so ill treated as to be ready and willing to revenge himself by the Authority of the House of Commons

We may now come to the happy Ara of our Constitution when the Statute for preserving the Rights and Liberties of the Subject was made. Hitherto sometimes the King inroached on the Privileges of the Commons and at other Times the House of Commons by their Votes usurped, under Pretence of their Privileges upon the Liberties of the people Therefore it was necessary to prevent further Doubt or Cavil to ascertain and declare what Privilege was in that Point of Freedom of Speech and Accordingly the Legislators made use of those words That the Freedom and Debates of Proceedings in Parliament ought not to be Impeached or Questioned in any Court or Place out of Parliament One would think the plainness of these

L. H. J. words would of themselves obviate your Claim and much moore so
 Liber No. 46 when you have not been able to produce one Instance where those
 words upon any Complaint and solemn Determination of the house
 of Commons were ever construed agreeable to your Exposition on
 the Contrary I have shewed out of Petit what Instances he imagined
 to be within this Privilege of Speech before that Statute; And I dare
 say no one can suppose but that he who professedly wrote in Vindi-
 cation of the Commons and their Privileges would have mentioned
 Instances agreeable to your Reasoning if there had been any such
 of good Authority. But notwithstanding all this and my clear Expo-
 sition of that Statute in my former Answer you endeavour to dis-
 tinguish upon the words of that Statute and the Arguments in my
 Answer relating to it.

p. 650 You do not controvert my Exposition of that Statute according
 to a legal Construction, but you say that the Term legal as applied
 by me is equivocal This I deny for the Construction in our Dispute
 is to be made upon the Words of an Act of Parliament this Act binds
 the House of Commons as well as the rest of the nation and I pre-
 sume that House or the House of Lords or both together can no
 more put any Construction on the Words of that Act that is not
 strictly legal in Westminster Hall then they can of themselves repeal
 that Act and make a New one and which would be the Case if you
 are in the right There may be indeed a Difference of Opinions in the
 House of Commons what is the Legal Construction according to
 the rules in Westminster Hall but if that is once settled they are bound
 by it as well as other People since that Statute was made as well to
 ascertain the Liberties of the People as the Privileges of their Repre-
 sentatives; and were it in the Power of any one Branch of a Legis-
 lature by a Peculiar or arbitrary Construction of their own to give
 the words of an Act a different sense than what every Judge Lawyer
 or other Intelligent Man would understand them in, It would be
 intraping the Subject instead of securing his Liberty and would be a
 setting up an Authority independent of the other Two Estates in a
 Point which had all their joint Concurrence and therefore could not
 be interpreted by any Rules peculiar to one Branch alone of the Leg-
 islature But what has (I really believe) led you into this great Mis-
 take is that you have found in Books the Expression of a Law of
 Parliament and therefore you have concluded that this Law of Par-
 liament must mean a Power to over turn a Law of the Land I hope
 you will Excuse me in remarking that Law Books may be said to be
 like Edged Tools which often hurts the Person who handels them
 without understanding their use, from hence it is that you ask me,
 Is their not a Law of Parliament as well as a Law of Ordinary
 Justice distinct from each other? I agree their is but not in any
 Sense proper for your purpose I think the Law of Parliament in the
 proper Sense is confined to the Usage and Custom of Parliament
 but in no sense and in no Case that I ever heard has the words Law

of Parliament been applied to any matter provided for by an Act of Parliament and it would be the greatest Absurdity to suppose it since an Act of Parliament binds each House and the whole Nation and therefore whatever It was before yet it becomes by making the Act the Law of the Kingdom which binds every Individual and not the Law of Parliament, besides you have not shewed one Instance where even the Law of A Parliament in your Sense of the Words have construed the words in the manner you insist upon. In the next place you admit that a Legal Construction may be proper in such matters as come under the Determination of a Court of Law, yet you say the present is not such and the reason you seem to give (for really I cannot Comprehend the meaning of applying the words Prohibition to Act and power to Act) is, That the Courts of Law have no Right To Construe this Act of Parliament because it relates to a Matter of Privilege of which the House of Commons are the soul Judges: If this by your meaning (and I Cannot find out any other) I must you are not less mistaken in this then your other Positions; for Lord Clarendon lays it down, "That there can no Privilege of which the Law doth not take notice and which is not pleadable by and at Law, and he puts these Instances, As upon an Arrest of a Member of Parliament, He may plead that he was a Member of Parliament and that his person ought to be free from Arrests. "Also" on an Information or Action on the Case for Words spoken by a member He may plead that it was for Words spoken by him in Parliament and that he ought not to be Impleaded in any other Place for words spoke there": And in Consequence of such pleas if the Judges are satisfied what is insisted on are Privileges the Court allows the Plea and dismisses the Defendants, Agreeable to these Rules several Proceedings have been in Westminster Hall; and that the Courts of Law have a Right to take notice and adjudge in matters which the House of Commons have claimed the peculiar Jurisdiction of to themselves in Point of Privilege even where there was no Statute Provision the brave Resolution of Lord Chief Justice Holt and the noble stand of the House of Lords in the great Case of the Ailesbury men against the Attempted Encroachments of the then House of Commons on the Rights and Liberties of the Subject have hitherto been and always will remain a lasting monument of Glory to their memories and an incontestable Proof of Your Misapprehension of this Point, as the rest of your Paragraph runs on a Reasoning intirely built on Your mistaken notions of the words Legal and Law of Parliament That must fall with the Foundation which I hope you now see is not capable of supporting it

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[Insist is
omitted
after must]
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The next Meterial Thing I meet with in your Paper is an Attempt to give some Account why you Added particular Words to those in the Statute and here I may retort that a Confession and Excuse are often better made then a Justification especially when that Justifica-

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tion tends, as yours does, in my View of Your Paper towards Hurting the Liberty of your Constituents in a Very essential manner. After some turning and twisting the words of the Act of Parliament, and your elaborate Reasoning to prove a Place out of Parliament to be not in Parliament and that Questioning must be by Somebody and cannot be by Nobody in Order to make the words Questioning and Place have the most extensive but not Legal Signification then you tell me that I may see those Words Convey no other Meaning than what is Contained in the former Proceedings of Parliament: I must own I have never as yet and I believe no Man alive besides your selves ever understood the word Questioned in An Act of Parliament to mean the making an Enquiry or asking a Question about any Matter or Reasoning or Disputing or the same with any Person whatsoever or in any Manner; But you Contend that those words in the Statute can Convey no other meaning but what you have put on them and that they ought not to be restrained to a Legal Sense but extended to every Sense: If so why did you add the other Words

p. 652 You answer that you added them to explain Particularly what was only contained in the General Words of that Act what occasion was there for that Addition since you say they can Carry no other Meaning Have you ever found that the House of Commons (to whom you liken your selves) even Added or explained the words of this Statute since the making thereof in that Manner Do you really think it supportable either by reason Justice Decency or your Own Power That when you insist upon a Right secured to you by an Act of Parliament you should venture to add other Words to that Act and make the Bulk of the People believe they are the very words of the Act, Would it not have been more proper and prudent to make your Declaration of your Privileges upon the very words of the Act only? Perhaps you might by Mistake think yourselves more at Liberty to make thus free an Act of Assembly but why you Ventured to make your Experiment on this Act of Parliament, I could not at first conjecture, unless it was for the Reason assigned in my Answer, "To preclude or rather intimidate your Constituents from ever Presuming to question any Behaviour of yours in a Legislative way not even by the most Humble Inquiries": And this Guess is now verified by your own Expression which is That your Constituents know their Rights with Regard to you as well as you do yours with regard to me and they have too much good Sense and Good Manners to drive any of you to the necessity by a Personal Abuse of laying any Complaint before the House for a Breach of Privilege" What Knowledge you have of your rights with regard to me, I shall not determine, but only say if you have a Imperfect one at Present I shall be glad that you would Better Inform yourselves:—However I hope your Constituents will always Know and support their Rights so far with regard to you as to Question you for any Behaviour in the House which they

conceive to be Contrary to the Trust reposed in you; This Truth is so grating in Your Ears, that you could not be brought to declare you had no Intension to preclude or Intimidate your Electors from making any such Enquiry but you did not Care to Deny in plain Words such Right to be in your Electors yet you were resolved not to Admit it Expressly and therefore you have delivered yourselves very equivocally on this Point in those Words. They (i. e. your Electors) have too much good Sense and Good Manners to drive any of you to the Necessity by a Personal Abuse of Laying any Complaint before the House One might be led at first sight to suppose you had Condescended to give your Electors leave to ask some Questions, Provided it was done with good Sense and Good Manners; but really the force of the words alone import no Allowance of such Liberty but rather insinuate that your Constituents have too much good Sense and Good Manners to Offer such a Personal Abuse to any of you as to make an Enquiry: However that I may do your Intentions as much Justice as Possible, I will for granted you meant that an Elector may Question you, Provided he uses good Sense and good Manners in doing it. I am Gentlemen swayed by Birth in my Inclinations and obliged by my Station in Duty to preserve the just Privileges of your House as being inseparably connected with the rights and Liberties of your Constituents and therefore I hope you will not Impute to me any Design (which is far from my thoughts) of bringing your House into Contempt when I am only endeavouring to prevent your Electors from being Contemptible in the Eyes of all mankind. And now Gentlemen since you do not think Your Electors have any Right to Question you but with good sense and Good Manners I think it would be but humane and Generous for your House to resolve and determine what share of good Sense and what Punctilios in good manners are necessary to be observed in making their Addresses to you; for other ways a well Meaning Planter may perhaps Chance to displease his Representative, either as to the Question or manner of asking it & upon Complaint the House may Possibly resolve there was not the Good Sense or good manners shewed, as was necessary to free the Elector from the Accusation of a personal abuse; And therefore that People may not be guilty of a Breach of Privilege thro Ignorance, it would Certainly be agreeable to the rules of Justice to point out whether any and what Ceremony is to be Observed: Whether any and what Titels are to be used: Whether it would be reckoned Good Manners to trouble any of you at your own Houses with any such Questions as relate to the Performance of your Duty; or Whether it will be more proper to speak of these Matters in a Publick Place. I would not have you imagine, that these Expressions are used by me for any other Purpose than to put this matter in as clear a Light as I can; the Subject is too serious and Important to be jested with since it is of no less Concernment than Whether an

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L. H. J. Elector by the Choyce of a Representative deprives himself of the
 Liber No. 46 Liberty of Questioning his Behaviour in the House unless he does it
 in a Manner that may be Agreeable to the Representative. But
 should I suppose every one of you would be so considerate as to over
 look such little Particularities of Behaviour; Yet the matter inquired
 into may be of such a Nature as by asking Questions, the Elector
 may shew such Dissatisfaction as the Representative may be ruffled
 and Construe and loock on his Inquisitiveness and Disapprobation
 as a Distrust of his Loyalty to His Majesty or Care for the Welfare
 of the Province consequently not within the rules of good Sense or
 Good manners but a Personal Abuse; And then perhaps on a Com-
 plaint made by such Representative (If he is a leading Man or one of
 the Majority) the poor Elector may be severely censured Committed
 and loaded with Fees not only as a Punishment to himself, but as a
 Terror to others. As for Instance; Suppose an Elector should hap-
 pen to ask his representative, Whether the Act passed this Session
 for the Canada Expedition was endeavoured to be clogged or ob-
 structed by any other Bill being tacked to it and the representative
 should answer, there was such Attempt and that he himself joyned
 in it; if upon that the Elector should ask why he did so and the other
 should reply, It was more necessary for the Honour and the Good
 of the Country that the Government should be distressed, then that
 the Provision should be made for his Majesties Forces if then the
 Planter not being let into the schemes of his Representative but
 warmed with a Spirit of Loyalty for his King, should unwarily drop
 any smart Expression disapproving of his representatives Conduct,
 This with a little management may be termed a personal Abuse.
 Again Suppose an Elector who is either at Law, or fearful of being
 p. 654 harrassed by Attendance at Annapolis as a Juryman or Witness
 should ask his Representative, Whether there was any Vote proposed
 to pass Bill for Arms &c^a The Money to be Lodged in the Treas-
 urers Hands as formerly in Case an Officers Fee Bill and Assize Law,
 Could be obtained. Suppose the Representative should answer There
 was such a Vote proposed, and he was against it, and thereupon the
 Elector being sensible of the Charges of the Law or Attendance at
 Annapolis should blame and perhaps with some Asperity of Lan-
 guage reprove his Representative and ask another Question Viz.
 Whether this Motion was entered on the Proceedings and he should
 be told by the Representative that it was determined by a Majority
 that it should not be entered on the Journal; Suppose such an Answer
 should provoke the Elector to ask this Question, Were the Majority
 then ashamed that their Constituents should be acquainted with their
 Proceedings. Might not such a Question which seems to be a very
 natural one be determined inconsistent with Good manners, (How-
 ever agreeable to Good Sense) and Consequently a Breach of Privi-
 lege. I yet I am afraid upon a Complaint the next Session would

endeavour to teach that Elector how unbecoming he had behaved himself and How little Sense and good Manners he was master of

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Thus Gentlemen I have represented in a very natural and reasonable Light the Consequences of the Doctrine and Position you have thought fit to lay down with regard to the Good Sense and Good manners in questioning your good Conduct and from hence it must be Owned, that had I not entered into any Observations from the Books on this Subject yet your Declaration of Privileges must necessarily be attended with such destructive Effects to Liberty that they ought never to be mentioned amongst a free People

But Gentlemen as I have once hit upon the Right with regard to your Intention in this Matter I may venture to make another Guess and which is that if it were Possible you Could be so fourtunate as to Succeed in this long stretch of your Privilege I do not doubt but the next Step would be to discourage as much as you Could, any Conversation between the Electors themselves concerning your Actions in Assembly; for it is Certainly much more difficult for you now by the Magick Force of your own New Coined Phrase Parliamentary legal Construction just as if I should tell you of a Westminster Hall legal Construction (mere sounds) to fix your wished for Exposition on that Statute 1st William & Mary than hereafter to perswade many People that it is not necessary an abuse should be before a mans face in Order to make it Personal and therefore if too or more Electors should in a Conversation amongst themselves blame, and perhaps rail at their Representatives for their Conduct in Assembly, This will be a Breach of Privilege for which the Electors may be Called to your Bar and by this means the Representative may assure to themselves seats and Power for life, since the Electors would be deprived of the Freedom of Communicating their thoughts to each other Concerning their Representatives. It was from the dreadful Consequences which followed from a House not keeping themselves within the Known and Settled Bounds of their Privileges that Lord Clarendon declares " That their (i. e. the House of Commons) being Judges of their Privileges should qualify them to make new Privileges, or that their Judgment should Create them such, as it was a Doctrine never before heard of so it could not but produce all those Monstrous Effects of swallowing of the Religion Laws and Liberties of England in the bottomless and insatiable Gulph of their own Privileges."

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As to the 3^d Head which is the Indecency of Expression. I believe Gentlemen you have not lately perused the Journals of the Lower House, and therefore must desire you to Cast an Eye over them where you will find few Addresses which prove that Care, You speak of in the Civility of Language in the Intercourse between the Lower House and myself and the Paper to which this is an Answer shews such a Propensity to the Continuance of the same unbecoming

L. H. J. Stile, that I am apt to think the Habit is so strong as not now to be easily Broke through, and that you imagine you address me in a Civil Manner when every Body else thinks it a rude one. But this
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 [selves is omitted after your] I can much easier overlook than your assuming to your over me, and your Constituents under the Cloak of Privilege a Power you have no Right to: And as I hope you are now better informed as to this Claim of your Privilege I may reasonably presume my fixing the word Extravagant to your Declaration cannot now appear so shocking as you once thought it, for I do assure you, I did not intend any other Idea should be conveyed by it than the only one I know of and which the natural Force of the word carries in meaning something beyond its due Bounds under which Discription I thought your Claim of Privileges to be, and will now I Doubt not appear so to every one: But I fancy you will be at a Loss how to reconcile the mention of the Vanity of the Frogg or Stupidity of the Animal &c to the rules of good Sense or Civility for whoever was the Penman the Answer Came from me however I may Venture to assure you of being mistaken in the Allusion, I believe you made to the Penman.

I should not have deferred puting an End to this Session immediately on the Receipt of your Paper if the Justice due to my own Character as also to your Constituents, had not obliged me to put this Affair in as Clear and Strong a Light as I Could.

And now I have only to hope that all the Papers on this Subject may be printed together

T. Bladen

8th July 1746

Samuel Chamberlain Esq^r from the Upper House delivers M^r Speaker the following Paper Bills Viz. The Bill entituled

An Act continuing an Act entituled An Act for the Advancement of Justice

An Act continuing an Act of Assembly of this Province entituled an Act for the Better Relief of poor Debtors

An Act continuing an Act entituled an Act for releiving the Inhabitants of this Province from some Aggrievances in the Prosecution of suits at Law and for Continuing the Supplementary Act thereto.

p. 656 An Act continuing an Act of Assembly of this Province entituled an Act to prevent the ill Practices of Sheriffs in the Collecting and payment of the Publick and County Levies

An Act continuing an Act entituled an Act for the speedy Recovery of small Debts out of Court before a Single Iustice of the Peace

An Act for erecting a County School in Worcester County and appointing Visitors for the same

An Act Impowering the Vestrymen and Church Wardens Christ Church Parish in Calvert County to build a Chapple of Ease in the

said Parish and to Impower the Justices of said County to Levy on the Taxable Inhabitants of the said Parish the Sum of Eighty Thousand Pounds of Tobacco for the Uses therein mentioned L. H. J.
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An Act Impowering the Justices of Talbot & S^t Mary's County Courts to allow at the Laying their next County Levy unto Jonas Green of the City of Annapolis Printer the sums therein mentioned

Which Bills were thus severally indorsed, By the Upper House of Assembly The Ingrossed Bill whereof this is the Original is read and Assented to. Signed p Order I. Ross Cl. Up. Ho.

M^r Phillip Hammond delivers M^r Speaker an Address to the Governor which was read aproved of and Ordered to be Ingrossed

The Ingrossed Address being read and assented to, was ordered on Behalf of the House to be signed by the Honourable speaker, and is as follows

To his Excellency Thomas Bladen Esq. Governor of Maryland

The humble Address of the house of Delegates

May it please your Excellency

We are sensible that the Duke of Newcastle's Letter to Your Excellency is in the following Words Viz. As to the Article of Arms and Cloathing of the Men to be raised His Majesty has commanded me to recommend it to you and the other Governor's to take care that the Soldiers may be provided with them: And his Majesty has Authorized and Impowered Lien^t General St. Clair to make a reasonable Allowance for defraying that Expence

This Session being we humbly hope near a Conclusion and this House having Acquainted your Excellency that no Business remained before them it might reasonably have been Expected that none would now be offered and particularly on the present Head in as much as that part of the above recited Letter is addressed Immediately to your Excellency & not to the Assembly and that it appears by the Act passed this Session that this House have fully complied with and rather Exceeded what was Required on their Part to be done with respect to his Majesty's intended Expedition against Canada

M^r Stoughton and M^r Wilkinson ordered to Acquaint his Excellency that this House hath prepared an Address to him and desires to know when and where he will be pleased to receive it. They Return and Acquaint M^r Speaker his Excellency will be ready to receive it immediately in the Conference Chamber. p. 657

The same Gentlemen sent to present the Address They return and Acquaint M^r Speaker they have presented it.

Samuel Chamberlaine Esq^r from the Upper House Acquaints M^r Speaker that the Governor his Attendance therewith the Rest of the Members of the Lower House

L. H. J. Mr Speaker with the Other Members Accordingly went to the
Liber No. 46 Upper House where his Excellency passed the following Ingrossed
Bills into Laws by Sealing them with the right Honourable the Lord
Proprietary his Great Seal at Arms, and Indorsing them thus "On
Behalf of the right Honourable the Lord Proprietary of this Province I will this be a law " (See page 308)

p. 658 His Excellency then made the following Speech (See page 309)

Mr Speaker and the Members return to their House, where Mr Speaker resuming the Chair acquaints them that his Excellency with the Advice of his Lordships Council of State had thought fit to prorogue this Assembly to the first Tuesday in November next; and that this house is accordingly prorogued to that Day.

p. 659 So endeth this Session of Assembly this Eighth Day of Iuly in the Thirty second year of the Dominion of the Right Honourable Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c^a Annoque Domini 1746

Test W^m Tilghman Clk. Lo. Ho.

ACTS

An Act for issuing and taking out of the Office of the Commissioners or Trustees appointed for emitting Bills of Credit, established by Act of Assembly, the Sum of Four Thousand Five Hundred Pounds, Current Money, for Encouragement of such able-bodied Freemen as shall voluntarily enlist themselves into his Majesty's Service, for the intended Expedition against Canada; and for maintaining and conveying them to the Place of Rendezvous: As also for replacing of the said Sum, and for the better regulating Ordinaries and Ordinary-Keepers, and for other Purposes therein mentioned.

Session Laws
p. 3
Chapter I
Expired 26th
November
1763

Whereas his Grace the Duke of Newcastle, by his Letter, dated, Whitehall, April 9, 1746, to his Excellency Thomas Bladen, Esq; Governor of Maryland, has signified to him, that his Majesty has been pleased to order some Troops under Lieutenant-General St. Clair, from Great-Britain, and two Regiments at Louisburg, in Conjunction with such Troops as should be levied in North-America, for the immediate Reduction of Canada; and therein signified the Royal Pleasure, that his said Excellency should forthwith make the necessary Dispositions for raising as many Men within this Province as the Shortness of the Time would admit; which Men, so raised, to be formed into Companies of one hundred each, and officer'd by Persons nominated by him the said Thomas Bladen, Esq; and with those to be raised in the Provinces of New-York, New-Jerseys, Pennsylvania, and Virginia, to be formed into Corps, to be commanded by Mr. Gooch, Lieutenant-Governor of Virginia, whom his Majesty had been pleased on that Occasion to promote to the Rank of Brigadier-General; and that they the said Forces should rendezvous at Albany within the Province of New-York, or at such other Place as the said Mr. Gooch should think proper: And therein likewise recommended, that Arms should be provided for the said Men so to be raised within this Province, and for which Arms the said Lieutenant-General St. Clair was authorized and empowered by his Majesty to pay. And whereas, by the said Letter, it is expected that the said Thomas Bladen, Esq; would recommend it to the Council and Assembly of Maryland, to provide a sufficient Quantity of Provisions for the Subsistence of the Troops. And for that it is impracticable for his Excellency the Governor to purchase a suitable Quantity of Arms within this Province, or in the neighbouring Governments, to arm compleatly the Number of Men which it is hoped and expected may be raised within this Province, whereby his Majesty's Service in that Particular might be retarded, unless the same

Preamble

Session Laws Arms be taken out of the Magazine of this Province: We therefore, his Majesty's faithful and loyal Subjects, the Delegates of the Freemen of the Province of Maryland, in General Assembly convened, dutifully to comply with his Majesty's Expectations, as also to contribute to the utmost of our Power towards so important a Service, and to encourage able-bodied Freemen to enter therein with greater Chearfulness, and for their better Support, Maintainance in Provision, and Conveyance to the Place of Rendezvous, humbly pray that it may be Enacted:

Money to be taken out of the Paper Office, for the Uses mentioned in this Act p. 4 And be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Sum of four thousand five hundred Pounds, in Bills of Credit, shall be issued and paid out of the Money, or Bills of Credit, remaining Appropriated or Unappropriated in the Office of the Commissioners or Trustees appointed for emitting Bills of Credit, established by Act of Assembly, by the Commissioners or Trustees aforesaid, for the time being, out of the said Office, in manner and form, and to such Persons as herein after directed, for the more effectual and better Encouragement of able-bodied Freemen to enlist themselves in his Majesty's Service; and with Officers appointed by the Governor of this Province, for the time being, and commissioned by his Majesty, in the intended Expedition against Canada; and for providing a sufficient Quantity of Provisions for the Subsistence of such Men, and for their better Support, and Conveyance to Albany, in the Province of New-York, or such other Place of Rendezvous, which shall be appointed by the aforesaid Brigadier-General Gooch, or the commanding Officer in Chief, appointed by his Majesty, for the Service aforesaid: And the said Commissioners or Trustees for the Time being, are hereby empowered and directed to pay out of the Money, or Bills of Credit, aforesaid, appropriated or unappropriated in the said Office, at or before the thirtieth Day of September next ensuing, the said Sum of four thousand five hundred Pounds, in Bills of Credit established by Act of Assembly, in Manner, and to such Persons, as herein after is directed.

Agents of the several Counties to whom the said Money is to be paid And be it further Enacted, That the Sum of fifteen hundred Pounds, Part of the aforesaid four thousand five hundred Pounds, Current Monëy, in Bills of Credit aforesaid, shall be issued and paid out of the Office aforesaid, by the Commissioners or Trustees aforesaid, for the Time being, who are hereby authorized and required to issue and pay the said Sum of fifteen hundred Pounds, at or before the thirtieth Day of July next, to the Persons hereafter mentioned: That is to say, For St. Mary's County, to Major Abraham Barnes, fifty Pounds; for Kent County, to Mr. Matthias Harris, one hundred Pounds; for Anne Arundel County, to Col. Benjamin Tasker, two hundred Pounds; for Calvert County, to Mr. Walter Smith, fifty

Pounds; for Charles County, to Capt. Richard Harrison, one hundred Pounds; for Talbot County, to Col. Edward Lloyd, fifty Pounds; for Dorchester County, to Capt. Bartholomew Ennalls, one hundred Pounds; for Cæcil County, to Capt. Nicholas Hyland, two hundred Pounds; for Baltimore County, to Major Thomas Sheredine, one hundred and fifty Pounds; for Prince George's County, to Col. Edward Sprigg, two hundred Pounds; for Somerset County, to Col. George Dashiel, one hundred Pounds; for Queen Anne's County, to Col. James Hollyday, one hundred and fifty Pounds; for Worcester County, to Col. John Scarborough, fifty Pounds; who are hereby authorized and appointed as Agents in their respective Counties aforesaid, to take and receive the several and respective Sums of Money aforesaid, from the Commissioners or Trustees aforesaid, for the Time being; which said Commissioners or Trustees are hereby empowered and required to pay the same as aforesaid, and to take Receipts respectively for the same, which Receipts shall be sufficient Discharges to them the said Commissioners or Trustees, for so much Money so paid, as shall in them be respectively mentioned and contained.

And be it further Enacted, That it shall and may be lawful for the Agents aforesaid, and each of them respectively, out of the respective Sums of Money by them as aforesaid to be received, to apply and pay to such Freemen of sufficient Ability of Body, and fit for Service, at the Rate of five Pounds to each Freeman, in the respective Counties aforesaid where the Agents aforesaid do commonly reside, or in any other County within this Province, if a sufficient Number within the particular Counties are not to be found, who shall voluntarily inlist, and enter themselves as common Soldiers in his Majesty's Service for the Expedition aforesaid, with any Captain, or other superior Officer, who shall be duly appointed and commissioned as aforesaid for that Purpose; such Person, or other superior Officer, having first certified by Writing under his Hand, to such Agent or Agents, that such Freemen are duly inlisted and entered as Soldiers with such Captain or other superior Officer in his Majesty's Service, and is in such Manner secured, that the said Captain or other superior Officer is not under any Apprehension of such Soldier's deserting from the Service: And that the same Agents, and each of them, on Payment of the Money as aforesaid, shall take a Receipt on such Certificate from each Soldier, for the Sums of Money to them respectively paid. And that no Creditor may by Virtue of this Act be deprived of their Debt.

Be it further Enacted, That every Captain, or other superior Officer, aforesaid, with whom any Freeman shall inlist and claim the Bounty aforesaid, shall set up, or cause Advertisements to be set up, at the Court-house and other public Places, of the County where such Freeman shall reside, thereby giving public Notice, that

Session Laws

p. 5

Bounty Money to be paid to Persons inlisting

Debts of Persons inlisting to be paid out of such Bounty. if not exceeding 5l

Session Laws such Freeman or Freemen hath or have inlisted him or themselves as Soldiers in his Majesty's Service, with such Captain, or other superior Officer; and requesting all the Creditors of such Freeman or Freemen, within ten Days after such Notice, to lay their several Claims or Debts before the Agent of the County: And if the Claims or Debts of any one Freeman, inlisted as aforesaid, shall not in the whole amount to more than five Pounds, then such Agent shall pay the five Pounds, due by Virtue of this Act, or so much thereof as the said Debts shall amount unto, to such Creditor or Creditors respectively, according to their several Claims; and if any Dispute should

* p. 6 arise between the Debtor and Creditor, concerning the Justice of any such Claim or Debt, the same shall be determined by such Agent, who is hereby impowered, in a summary Way, to hear and determine the same: But if upon the Claims aforesaid of the Creditor or Creditors, it shall appear to such Agent, that any inlisted Freeman aforesaid owes more than five Pounds in the whole, then such Freeman, whose Debts amount to above five Pounds, shall not be entitled to the Bounty aforesaid, and shall be equally liable to his Creditors, as if this Act had never been made.

Persons in-
listed ex-
empted from
Arrests for
Debts not
demanded in
10 days

And be it further Enacted, That every Freeman inlisted as aforesaid, shall by Virtue of this Act be free and exempted from any Arrest for Debt, from the Time of setting up the Advertisements aforesaid, for the Space of ten Days, from thence next following: And that no Person whatsoever shall sue, arrest, or implead any Freeman inlisted as aforesaid, for any Claim, or Debt, not claimed or produced to such Agent within the ten Days aforesaid.

In case the
Expedition
be put off,
then the
Money to be
returned into
the Paper
Office

And be it further Enacted, That in case the said intended Expedition shall be put off by his Majesty, and that the Commission mentioned in the aforesaid Letter of his Grace the Duke of Newcastle, shall not be sent into this Province, for the inlisting Men as aforesaid, for his Majesty's Service, under the Command of Brigadier-General Gooch, or other General appointed by his Majesty, at or before the thirtieth Day of September next ensuing: Or, that in case the said Expedition shall be prosecuted, and Commissions shall be sent in as aforesaid; and that contrary to the Hopes and Desire of this present General Assembly, the Number of Men cannot be had, who may voluntarily inlist themselves for his Majesty's Service, within this Province as aforesaid, whereby the said Sum shall not be wholly applied, as herein before directed: That then, and in such Cases, the said several and respective Agents, herein before named for the several and respective Counties of this Province, shall be, and are hereby obliged to repay into the said Office, unto the said Commissioners or Trustees appointed for emitting the Bills of Credit, established by Act of Assembly, for the Time being, the said several and respective Sums, so as aforesaid by them received, or such Ballance or Balances as shall remain in their or either of their Hands respectively,

and unpaid or unapplied to the Uses or Purposes aforesaid; and that such Commissioners be hereby obliged to sign Receipts to the said Agents respectively for the same; and that such Receipts, returned to the then next General Assembly to be held for this Province, shall be deemed and taken as a sufficient discharge and Acquittance to such Agent or Agents respectively, for such Sum or Sums as shall be in the said several and respective Receipts contained; and that the said Commissioners or Trustees appointed for emitting the Bills of Credit established by Act of Assembly, for the Time being, shall give Credit in the Books of the said Office for such several and respective Sums as shall to them be so repaid by the respective Agents as aforesaid: And that they the said Commissioners or Trustees be and are hereby made chargeable with the said Money so repaid, in the same Manner as for other Money or Bills of Credit by them received or lodged in the said Office, for the Use of the Public of the Province aforesaid; and that the same be applied to any Uses for which it had been heretofore appropriated by any Law of this Province heretofore made, and at the Time of such Repayment in Force.

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p. 7

And for a further Encouragement for the Persons aforesaid voluntarily inlisting as aforesaid, Be it Enacted by the Authority aforesaid, That all and every such Person as aforesaid, who shall inlist, and serve his Majesty in the Expedition aforesaid, having first received the Bounty aforesaid by this Act granted, and after the same Expedition is over shall return to this Province, within eighteen Months after his being discharged from his Majesty's Service aforesaid, having a Certificate of such Discharge, and of his good Behaviour during the Service, under the Hand and Seal of his Captain, or other superior Officer, shall by Virtue of this Act, from the Time of his Return aforesaid, for the Space and Term of seven Years from thence next following, be exempted from the Payment of any Public, County, or Parish Taxes or Levies whatsoever; and also shall be free and clear from all or any Service or Attendance in making or clearing the Highways of this Province; any Law, Usage, or Custom, to the contrary notwithstanding.

Indulgencies to Soldiers returning to this Province, after the End of the Expedition

And be it further Enacted, That all and every such Person aforesaid, inlisting and receiving the Bounty aforesaid, shall pass and repass over all Ferries within this Province Ferriage-free, whilst such Person or Persons shall continue in his Majesty's Service, and be in the actual Exercise of his Duty.

To pass free over all Ferries

And for the better ascertaining the Time of Return of the Persons or Soldiers aforesaid from the Expedition aforesaid, Be it further Enacted, That he or they so returning, shall apply to the Court of the County where he or they shall incline to reside, to be held next after such Return, and produce to the Justices of that Court his or their

And to produce Certificates of their Discharge at their Return

Session Laws Certificate or Certificates of Discharge aforesaid; which Certificate or Certificates the same Justices respectively are hereby required to cause to be inrolled amongst the Records of their Courts, and an Indorsement to be made by their Clerk, under his Hand and the Seal of such Court, of the Day of the Inrollment thereof; from which Day the Exemptions aforesaid for the seven Years aforesaid shall commence. And that it may the more certainly appear what Persons have so voluntarily inlisted themselves in his Majesty's Service as aforesaid, and who may hereafter claim the Exemption and Encouragement above granted, the said several and respective Agents are hereby required and obliged to return Lists of such Persons so inlisted in their respective Counties (and in what Company, and under what Captain and Lieutenant), to one or more Justice or Justices of their respective Counties; which Justice or Justices shall produce the same to the next County Court, which Court shall order the same to be recorded by the respective Clerks in the Records of their respective Counties, ex Officio, without Fee or Reward.

p. 8
Agents ap-
pointed for
Cloathing
and convey-
ing the
Forces to
the Place of
Rendevous

And whereas this General Assembly have appointed three thousand Pounds, Part of the aforesaid four thousand five hundred Pounds, to be applied to the Support, Maintainance, and Conveyance of said Troops to Albany, or the Place of Rendezvous; in order the better to apply the said Sum of three thousand Pounds, Be it further Enacted, That the Honourable Benjamin Tasker, Esq; Doctor Charles Carroll, and Colonel Robert King, or any two of them, be and are hereby constituted and appointed Agents for this Province, to execute and perform the several Matters and Things herein after mentioned and expressed; that is to say, That as soon as any Number of Troops or Soldiers, not exceeding three hundred, shall be inlisted, levied, and raised within this Province, and drawn together into one or more Body or Bodies, and incorporated into Companies, at one or more particular Places, by any Officer or Officers thereto duly authorized by Commission from his Majesty, and Notice or Certificate thereof given to the said Agents, or any two of them, by the Governor or Commander in chief of this Province for the Time being, the same Agents, or any two of them, shall forthwith call for, demand, and receive, from the Commissioners or Trustees for emitting Bills of Credit, established by Act of Assembly, the Sum of three thousand Pounds, or such Part of it as they the said Agents, or any two of them, shall think necessary, for providing wholesome Provisions for, and Conveyance of said Troops to Albany, or such other Place as by Brigadier-General Gooch, or other General Officer commissioned by his Majesty for that Purpose, shall be appointed; and shall provide for the said Troops sufficient wholesome Provisions, at the Place or Places where they shall be lodged or encamped within this Province; or may contract and agree with some other Person or Persons, for the finding and providing the same

for the Troops aforesaid, at such Rates and Prices as they the said Session Laws Agents, or any two of them, can agree for, and pay such Person or Persons for the same out of the Money by them to be received. And the said Commissioners or Trustees are hereby impowered and directed to pay the said Sum of three thousand Pounds, in Bills of Credit, to the Agents aforesaid, or any two of them, out of any of the Moneys or Bills of Credit remaining appropriated or unappropriated in the said Office: And they the said Commissioners or Trustees are hereby directed to charge the Sums which they shall pay by Virtue of this Act, in an Account by them to be stated, to the Uses of this Act; and such Account to credit by what Payments shall be made to them, in Virtue of any Clause or Clauses in this Act hereafter mentioned. And in case any Part of the aforesaid Sum of four thousand five hundred Pounds should remain in the Hands of any of the Agents herein before mentioned, unapplied to the Uses in this Act mentioned, that then, and in such Case, the said Agents shall and are hereby required and directed to repay the same to the Commissioners or Trustees aforesaid, into the Office aforesaid; for which the said Agents are to take Receipts, and the said Commissioners or Trustees are hereby directed and required to credit the Account, by them to be stated for the Uses of this Act, with such Payments.

And in case it shall be found necessary to transport the Forces to be raised within this Province, by Land or Water, to the Place of Rendezvous, Be it Enacted by the Authority aforesaid, That no Person or Persons, or Master or Skipper of any Ship, Sloop, or other Vessel, who by Virtue of, or in Compliance with, this Act, shall take on board, convey, or carry out of this Province, by Land or Water, any of the Forces to be raised therein for the intended Expedition, by Virtue of any Agreement with the Agents appointed for that Purpose, shall be liable to any Action, or Penalty, by Virtue of any Act of Assembly of this Province; but that such Persons, Masters, or Skippers, may lawfully covenant with such Agents for the Service aforesaid, and such Forces transport and carry away by Virtue of such Agreements; provided such Men or Forces are duly inlisted into his Majesty's Service, by Persons appointed by his Excellency the Governor of this Province, and commissioned by his Majesty.

p. 9
Masters of
Vessels
transporting
such Forces,
to be ex-
empted from
Actions &c

And in order to provide the said Troops with Arms, on the Credit of the Letter aforesaid, Be it Enacted by the Authority aforesaid, That it shall and may be lawful for his Excellency Thomas Bladen, Esq; Governor of this Province, to deliver and give out of the public Magazine of this Province, any Quantity of Arms and Accoutrements, for such able-bodied Freemen so as aforesaid inlisted within this Province, so that the same shall not exceed three hundred Muskets, with Slings and Bayonets: three hundred Cartouch-Boxes, with Belts; six Drums; nine half Pikes; and six Halberts.

The Forces
to be armed
out of the
public
magazine

Session Laws
The Arms to
be paid for,
and replaced

And forasmuch as it is promised by the before-recited Letter from his Grace the Duke of Newcastle, that the said Arms should be paid for in a reasonable Manner; Be it therefore Enacted by the Authority aforesaid, That his Excellency Thomas Bladen, Esq; or the Governor of Maryland for the Time being, is hereby requested and required to write to Lieutenant-General St. Clair, or the Officer in chief commanding the Forces on the said intended Expedition against Canada, or whoever is or shall be empowered by his Majesty, to pay for Arms for the same Expedition, and procure Payment for the said Arms, so supplied out of the Magazine of this Province, with a reasonable Advance upon them, so as that the same Quantity, and of equal Quality, be replaced into the Magazine of this Province: And the said Thomas Bladen, Esq; or the Governor or Commander in chief within this Province for the Time being, shall, and he is hereby required to send to Mr. William Hunt, Merchant in London, in Great-Britain, the Money or Bills arising on the Payment for the Arms aforesaid; and direct that the like Quantity shall be bought with the same Money, Insured, and sent into this Province for the Use of the Public, as the said Arms so given out for the Troops for his Majesty's Service as aforesaid shall amount unto.

Accounts to
be made out
of the
Money re-
ceived and
laid out
p. 10

And be it Enacted by the Authority aforesaid, That the said several and respective Agents herein before mentioned shall, and they are hereby required to make out clear and distinct Accounts of the Money, which they shall receive in Virtue of this Act, how applied and paid, to whom, and for what Uses; and the same Accounts return to the next General Assembly.

How the said
Money is to
be replaced
in the Office

And that the public Faith and Credit of this Province may be supported, and for the more effectual and speedy Replacing and Repayment of the said Sum of Four Thousand Five Hundred Pounds into the Office of the Commissioners or Trustees for emitting Bills of Credit, established by Act of Assembly; Be it Enacted by the Authority, Advice, and Consent aforesaid, That from and after the End of this Session of Assembly, the Justices of each County in Court sitting be, and are hereby empowered and authorized from time to time, as often as need shall require, to grant Licenses to such Person or Persons as they shall think fit, being Persons of good Repute, to be Ordinary-keepers and Inn-holders, for keeping of Ordinaries and Houses of Entertainment in such and so many Places within their several and respective Counties, for the Ease and Conveniency of the Inhabitants, Travellers, and Strangers, as to them respectively shall seem meet; for which Licenses the said Persons that shall be so licensed to keep Ordinary as aforesaid shall, at the Time of his, her, or their taking such License, pay the several Sums following; that is to say, For every License to keep Ordinary in the City of Annapolis, the Sum of Five Pounds Current Money; and for every License to keep Ordinary at any other Place within this Prov-

ince, the Sum of Fifty Shillings Current Money ; for every Year such Person shall keep Ordinary as aforesaid. Session Laws

And be it further Enacted, That during the Continuance of this Act, all Ordinary-Licenses shall commence and be renewed at every August Court, on pain that any Person or Persons then omitting or neglecting to renew their License, and shall continue to sell Liquor as an Ordinary-keeper, shall be liable to all the Penalties mentioned in this Act, against Persons selling Liquors without License; and it shall also be lawful for the Justices to refuse granting such Persons Licenses for that Year: And if they shall think fit to grant the same at the next or other Court following, the said Ordinary-keepers shall pay the full annual Charge for such License. Provided, That any Person, not having before had a License to keep Ordinary, may at any Court, other than August Court, have License granted, if the Justices see fit, but to continue no longer than the August Court following, when it shall determine, and may be renewed as others; for taking of which Licenses the Ordinary-keeper shall pay only in proportion to the Time between his taking such License and August Court aforesaid. Provided also, That any Person now having License to keep Ordinary, which shall expire before August Court, seventeen hundred forty and six, may also be allowed to take out further License until the said August Court, paying for such License a Fine only in proportion to the Time as abovesaid. Ordinary-Licenses to commence and be renewed every August Court

And be it further Enacted, That all and every Person taking Ordinary Licenses as aforesaid shall, at the Time of having such License granted, pay to the Sheriffs of the respective Counties where such Person or Persons shall inhabit, the Fine or Sum to be paid for Ordinary-Licenses before-mentioned in this Act; which the said Sheriffs respectively are hereby required and obliged by Virtue of their Office to receive, as well as to collect and receive all Fines and Forfeitures arising on the Breach of any Part of this Act by such Ordinary-keepers; for receiving, collecting, and paying of of which Fines and Forfeitures, the said Sheriffs shall be allowed a Salary of five Pounds per Cent. And that the Clerk of each respective County shall keep a true and exact Entry of all Ordinary-keepers, to whom such Licenses are granted, and of all Fines and Forfeitures relating thereto; and at every November Court shall deliver to the Justices a true List of all Ordinary-keepers in their respective Counties licensed as aforesaid; as also of all Fines and Forfeitures happening in that Year; and shall also cause to be delivered the like List or Account to the Commissioners or Trustees for emitting Bills of Credit, on or before the twenty-fifth Day of December, yearly; And the said several and respective Sheriffs are hereby obliged and required to pay all such Sum or Sums of Money as shall come to their Hands by Virtue of this Act, for Ordinary Licenses, or Fines and Forfeitures, as aforesaid, to the Commissioners or Trustees afore- Duty of the Sheriffs in regard to Ordinary keepers

Session Laws said, on or before the last Day of April, every Year during the Continuance of this Act, to be by the said Commissioners or Trustees applied to the replacing the aforesaid Sum of Four Thousand Five Hundred Pounds, so as aforesaid taken out and applied: For which said License and Recognizance to keep good Rules and Order, as is hereafter directed, every Ordinary-keeper shall pay to the Clerk of each respective County Court the Sum of three Shillings, and no more.

Prices of Liquors and other Accommodations to be set up in all Ordinaries And be it further Enacted by the Authority aforesaid, That the Justices of the several County Courts be and are hereby authorized and empowered, at their several County Courts in the Month of August yearly, or oftner as they shall think fit, to set and assess the Rates and Prices of all Liquors and other Accommodations whatsoever, in Current Money of this Province, by them the said Ordinary-keepers to be vended for the Year ensuing, and so yearly and every Year; which Rates and Prices of all Liquors and other Accommodations, so to be set and assessed, limited and appointed, by the Justices aforesaid, shall be by their several and respective Clerks transcribed and set up at the several and respective Country Courts, in some public Places there, that every Person may peruse the same; the Copy of which Table of Prices of Liquors and Accommodations every Ordinary-keeper within each County is hereby obliged to keep set up in the most public and convenient Place of their Houses for the Perusal of such Persons as receive any Ordinary Accommodations, under the Penalty of Five Pounds Current Money, to be collected, paid, and applied as aforesaid; and on Non-Payment thereof, to be sued for in his Lordship's Name, by Bill, Complaint, or Information; or upon the Presentment of any Grand Jury, without the Formality of an Indictment: for which Table of Prices every Ordinary-keeper shall pay to such Clerk, the Sum of Two Shillings like Money, and no more: And every Ordinary-keeper or Innholder, who shall after
 p. 12 the Assessing and setting up the Rates and Prices aforesaid, directly or indirectly take, exact, demand, or receive, for the Price and Pay for any such Liquors or other Accommodations, for which the Rates and Prices shall be so assessed, from any Person or Persons whatsoever, above the Rates and Prices so assessed, shall for every such Account charged: sued for, taken, or received, forfeit and pay the Sum of fifty Shillings current Money, to be collected, paid and applied as aforesaid: and in case of Suit on such Account, such Ordinary-keeper shall be Nonsuit, and pay the Defendant his full Cost of Suit: And for every such Account paid and satisfied to any Ordinary-keeper, such Ordinary-keeper shall, on Complaint of such Matter by the Party injured, to a single Magistrate or County Court, be by such Magistrate or Court, in a summary Way, ordered and compelled to restore to such Party injured the whole Sum so before had and received on such Account, and his Cost on such Complaint; the said

Forfeiture to be recovered in his Lordship's Name, before any Magistrate of the County where the Offense shall be committed, as in case of small Debts. Session Laws

And be it enacted by the Authority aforesaid, That the Party aggrieved shall be deemed a legal Witness (being under no Incapacity of being a Witness in other Cases), to prove any Exaction or Extortion contrary to this Act. The Party aggrieved to be deemed good Evidence

And be it further Enacted by the Authority aforesaid, That every Ordinary-keeper or Inn-holder so to be licensed as aforesaid, shall within six Months after granting their respective Licenses, be hereby obliged to provide and maintain, if they keep Ordinary at the Court-house in any County, four good and substantial Beds; or at the City of Annapolis aforesaid, six good Beds; over and above what is for their own Family's Use, with sufficient warm Covering for the same, and Indian Corn, Oats, Hay, Straw, and Stabling for ten Horses at least: And if any Ordinary be kept at any other Place or Part of the Country than at the Court-house, such Ordinary-keeper shall within the Time aforesaid be provided with three spare Beds, with Covering, and sufficient Stabling and Provender for six Horses at least; under the Penalty of ten Pounds current Money, one half thereof to the Commissioners or Trustees aforesaid, to be collected by the Sheriffs of the respective Counties where the said Offence shall be committed, and by the said Sheriffs paid to the said Commissioners, to be applied as aforesaid; the other half to him or them that shall inform or sue for the same; to be recovered by Action of Debt, Bill, Plaint, or Information, in the Names of the Lord Proprietary and Informer; wherein no Essoin, Protection, or Wager of Law, to be allowed. Provided always, That no Person or Persons so licensed, or to be licensed, to keep Ordinary as aforesaid, shall, during the Time of such their keeping Ordinary, be Delegates, Justices of Peace, Attorneys, Deputy Commissaries, Clerks, Sheriffs, Deputy Sheriffs, or Jury-men; or hold any other public Office within this Province. Number of Beds, &c. to be kept by Ordinary-keepers

And be it further Enacted, That if any Ordinary-keeper shall keep evil Rule in his House, upon Complaint made thereof to the Justices of the County Court, of such Ordinary-keeper's Misbehaviour, or keeping evil Rule in his House, the said Justices of the County Courts are hereby authorized and impowered to suppress such Ordinary-keeper, and call in such License. Ordinary-keepers, not observing good Rule, to be suppress'd

And be it further Enacted by the Authority aforesaid, That in case any Ordinary-keeper shall keep an irregular or disorderly House, or shall misbehave him or herself, contrary to the Directions of this Act; that it shall and may be lawful for any two Justices of the Peace, of the County where such Ordinary shall be kept (one of them being of the Quorum), upon Complaint, or upon their own View, to suspend such Ordinary-keeper, until the next County Court; which p. 13
The same to be determin'd by the County-Court

Session Laws County Court may hear and finally determine the Matter; and either suffer such Ordinary-keeper to keep Ordinary longer, or entirely to suppress such Ordinary.

No Ordinary-keeper to retaliate Liquors &c. during such Suspension And be it likewise Enacted by the Authority aforesaid, That if any Person so suspended shall presume, during the Time of such Suspension, to keep Ordinary; that in all such Cases, he or she shall incur the same Penalty and Forfeiture as Persons keeping Ordinary without License are subject to by this Act.

Penalty on keeping Ordinary without License And be it further Enacted by the Authority aforesaid, That any Ordinary-Keeper disabled or suppressed as aforesaid, or any other Person that shall presume to keep Ordinary, without License first had and obtained as aforesaid, shall, for every Month he, she, or they shall keep Ordinary, forfeit and pay ten Pounds current Money; and so proportionably for a longer or shorter Time that any Person shall sell Liquors, or do contrary to this Law; one half to the Commissioners or Trustees aforesaid, to be collected and paid by the Sheriffs as aforesaid, and by the said Commissioners or Trustees applied as aforesaid; and the other half to him or them that shall sue for the same; to be recovered in the County Court where such Offense shall be committed, in the Names of the Lord Proprietor and Informer, by Action of Debt, Bill, Complaint, or Information; wherein no Essoin, Protection, or Wager of Law, to be allowed.

And on retaling Strong Liquors And be it further Enacted by the Authority aforesaid, That no Person or Persons inhabiting within this Province, not having lawful License, shall sell by Retale, unless sold at the common and usual Rates of such Liquors between Merchants and others, any Cyder, Quince-Drink, or other strong Liquors, to be drank in his, her, or their Houses, or about his, her, or their Plantation, upon the Forfeiture of, every Time he, she or they shall be legally convict thereof, the Sum of five Pounds Current Money; one half thereof to the Commissioners or Trustees aforesaid, to be collected, paid, and applied as aforesaid; and the other half to the Informer, or to him or them that shall sue for the same, to be recovered as aforesaid.

All Ordinary-keepers to sell by sealed Measures p. 14 And be it further Enacted by the Authority aforesaid, That all licensed Ordinary-keepers shall be provided with, and sell by sealed Measures all Liquors (except such as shall come into the Province in Bottles); and that any Ordinary-keeper who shall neglect to provide, and always keep a Quart, Pint, Half-pint, and Gill Pot, or any of them, sealed Measures, and neglect or refuse to sell by the same as aforesaid, shall forfeit and pay five Pounds current Money to the Uses aforesaid, to be collected and applied as aforesaid, and recovered in the County Court where the Ordinary-keeper offending resides, in the Names of the Lord Proprietor and Informer, by Action of Debt, Bill, Complaint, or Information; wherein no Essoin, Protection, or Wager of Law, to be allowed.

And whereas it hath been found prejudicial to the Inhabitants of this Province, that Ordinary-keepers and Inn-holders have frequently entertained diverse loose, idle, and disorderly Persons a great Time, tipping at their Houses, as well to the great Damage of many Persons, as their own Ruin; Be it therefore Enacted by the Authority aforesaid, That it shall not be lawful for any such Ordinary-keeper or Inn-holder to keep such Ordinary, or House of Entertainment, until he or she give good and sufficient Security, by Bond or Recognizance, to the right honourable the Lord Proprietor, his Heirs and Successors, in twenty Pounds current Money, before the Justices of the County Court where any Ordinary shall be kept, to keep good Rules and Orders, and not to suffer idle, loose, or disorderly Persons to tittle, game, or commit other Disorders or Irregularities, in such Ordinary, contrary to the true Intent and Meaning of this Act; and that upon the Breach of any such Bond or Recognizance, the Recovery of the Penalty thereof shall be in the Name of the said Lord Proprietor; the one half for the Use of the Commissioners or Trustees aforesaid, to be collected, paid, and applied as aforesaid; and the other half to the Informer.

Session Laws
Ordinary-keepers to give Security for keeping of good Order in their Houses

And whereas daily Experience shews the great Prejudice to the Owners and Masters of Merchant Ships and Vessels trading into this Province, by Ordinary-keepers entertaining Sailors and others to such Ships and Vessels belonging, and trusting and encouraging them to continue tipping in their Houses, to the Prejudice of Trade, preventing and impeding the Dispatch of such Ships and Vessels; and very often when such Sailors have spent all their Wages in such Ordinaries, it occasions and induces them to run away, and desert the Ships and Vessels whereto they belong: For Prevention whereof, Be it Enacted by the Authority aforesaid, That no Ordinary-keeper whatsoever within this Province, shall presume to harbour or entertain any Sailor or Sailors, or other Person employed in loading of Ships or Vessels (the Master and Mate only excepted), to the Neglect of their Service to their respective Commanders, and Prejudice to the Dispatch of any Ship or Vessel thereby; under the Pain and Penalty of being suspended from keeping such Ordinary: And that no Ordinary-keeper whatsoever shall credit any such Sailor for more than five Shillings, during any one Voyage, under the Penalty of losing his Debt, and of being fined the Sum of twenty Shillings current Money; whereof one half to be collected, paid, and applied as aforesaid; and the other half to the Informer, or him or them that will sue for the same, to be recovered as aforesaid, before a single Magistrate.

Not to entertain or sell to Sailors more than what is necessary

And be it further Enacted by the Authority aforesaid, That if any Ordinary-keeper within this Province shall harbour, entertain, or sell any Liquor, to any Servant belonging to any Person within this

p. 15
Ordinary-keepers not to entertain Servants;

Session Laws Province, without License from their respective Master or Mistress; such Ordinary-keeper shall, for every such Offence, forfeit and pay ten Shillings to the Master or Mistress of such Servant, to be recovered with Cost, upon Complaint of the said Master or Mistress, before a Justice of the County where such Ordinary-keeper lives.

Or encourage Tradesmen to tipple in their Houses And whereas it is a general Complaint throughout this Province, that Ordinary-keepers have made it their constant Practice to entertain Tradesmen, and other Persons having Families, and no other Means of supporting them but their own Labour and Industry; and single disorderly Persons tippling and gaming in their Houses, and wasting their Time and Substance, to the Ruin of their Families and themselves, and the Encouragement of Idleness, Drunkenness, and all other Irregularities and Disorders: For Prevention of which Evils for the future, Be it Enacted by the Authority aforesaid, That no Person who shall be licensed to keep Ordinary, from and after the End of this Session of Assembly, shall suffer any Tradesman, or other Person having a Family, and no visible Estate, or other Way, whereby to support themselves or their Families, but their own Labour and Industry; or any single Person, whether Tradesman or otherwise, not having a visible Estate, to tipple or game in such Ordinary, other than such as shall be invited by any Traveller, and shall accompany him only during his necessary Abode there; and other than Persons travelling upon their necessary Occasions (so far distant from their own Habitations as may render it impracticable or inconvenient to repair thither), to take their Diet and other necessary Accommodations in such Ordinary; and other than such as may happen to be confined in such Ordinary by Sickness, Severity of Weather, or other Accident; on Pain of not being paid for any Liquor or other Accommodations, which such Ordinary-keeper shall supply such Person with, or which shall be lost by any such Person at any Games. Provided always, That no Ordinary-keeper shall be restrained from supplying any of the Persons herein before mentioned with Victuals or Liquors in moderate and necessary Quantities, so as no Ordinary-keeper shall trust any such Person for more than Five Shillings, or the Value thereof, in any one Year; except in such Cases as herein before mentioned, to be judged of by any Judicature having Cognizance of any Dispute concerning Expences.

No Debts above 5s. contracted contrary to the Intent of this Act to be recovered And be it Enacted by the Authority aforesaid, That in any Action in a Court of Justice, or dispute before a single Magistrate, between any Ordinary-keeper and any Person in this Act described, such Court, and the Jury in any Trial by a Jury, or single Magistrate, shall by Virtue of this Act consider and enquire whether any Debt so sued for, or claimed before a single Magistrate, be contracted contrary to the true Intent and meaning of this Act; and if it shall appear to such Court, Jury, or Magistrate, that such Debt was contracted

contrary to this Act, that then the Plaintiff shall be Nonsuit, and the Defendant recover his Cost of Suit. And that in case any Action or Demand shall be brought on any Obligation, under the Hand and Seal of any such Person, or upon any Note or Writing under the Hand only of the Defendant or Debtor; or if any such Obligation, Note or Writing, shall be given in Evidence to support such Action or Demand; it shall and may be lawful for the Defendant or Debtor, in every such Action or Demand, to plead the general Issue; and that then, and in every such Case, Action, or Demand, it shall be incumbent on the Plaintiff to prove for what Consideration such Obligation, Note or Writing was passed; and if such Plaintiff does not prove the same to have been passed for some other Consideration than Liquor or other Accommodations sold, or lost, as aforesaid, or prove that such Liquor or Accommodations were absolutely necessary, and not sold or furnished contrary to the true Intent and Meaning of this Act; the Plaintiff shall be Nonsuit, and the Defendant shall recover the Cost of Suit.

Session Laws
p. 16
Notes, &c.
unless for
other Con-
sideration
than Liquor,
not
recoverable

And be it further enacted by the Authority aforesaid, That in case it shall appear to any Court or Magistrate, that any Part of any Account to be sued for or demanded, or any Part of the Consideration for which any Obligation or Note shall be taken or pass'd, shall be for Liquors or Accommodations supplied or sold, or any Money, Tobacco, or Liquor, won at Gaming, contrary to this Act; that then and in every such Case, the Plaintiff shall recover only what shall appear to be due, exclusive of any Liquor or other Accommodations supplied or provided contrary to this Act; and the Defendant shall be discharged from the Residue, and recover the full Cost of Suit; any Law, Usage, or Custom, to the contrary notwithstanding.

Nor for
Money lost
at Gaming

And be it further Enacted, That all Mortgages, Obligations, or other Securities, which shall be taken in trust for any Ordinary-keeper, shall be absolutely void, unless such Mortgage, Obligation, or other Security, shall be assigned or transferred to any other Person, being a Stranger to such Trust, for a valuable Consideration; and in case of such Assignment or Transfer, that such Trustee shall forfeit and pay double the principal Sum mentioned in such Mortgage, Obligation, or Security; one half to the Commissioners aforesaid, to be collected, paid and applied as aforesaid; and the other half to him or them who will sue for the same; to be recovered in the Names of the Lord Proprietary and such Informer, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection or Wager of Law shall be allowed.

Also
Mortgages,
Securities,
&c. are to
be void in
such Cases

And for the better Discovery of such Trusts, Be it Enacted, that every Trustee or suspected Trustee as aforesaid, shall be obliged by Virtue of this Act to answer Interrogatories upon Oath, or Affirmation if a Quaker, concerning such Trust; which Examination shall be received as Evidence in any Trial concerning such Trust: and if

Trustees of
such
Mortgages,
&c. to
answer
Interroga-
tories upon
Oath

Session Laws any such Trustee, or suspected Trustee, shall refuse to be so examined, such Refusal shall be deemed and taken to be sufficient Evidence to prove the Fact; and that every Trustee, or suspected Trustee, submitting to be, and being so examined, and not answering truly to p. 17 such Interrogatories, and being thereof legally convict, by Confession or Verdict of a Jury, shall suffer as in Case of wilful and corrupt Perjury.

County Justices to give this Act in charge to the Grand Jurors And be it further Enacted, That the Justices of the respective County Courts shall give such Part of this Act as relates to Ordinary-keepers and Innholders, in Charge to the several Grand Jurors, and to their several and respective Constables in their said County, to enquire into the Breach of this Act, and into all Disorders committed in the said Ordinaries and present the same, if any be, to the several Courts, to be examined and punished according to Law.

A former Act repealed And be it further Enacted, That an Act of Assembly, made at a Session of Assembly begun and held at the City of Annapolis, the twenty-eighth Day of October, One thousand seven hundred and twelve, Entituled, An Act restraining Victuallers and Keepers of public Houses from entertaining of Sailors, to the Prejudice of Trade and Commerce, be and is hereby repealed, abrogated, and made null and void.

Surplus Money, if any, how to be applied And be it further Eacted by the Authority aforesaid, That in case during the Continuance of this Act, any more Money shall be raised, levied, or paid to the Commissioners or Trustees aforesaid, in Virtue thereof, than the said Sum of four thousand five hundred Pounds, that the Surplus or Remainder shall be, and is hereby directed to be appropriated and applied towards Discharge of the public Expences of this Province, as the General Assembly thereof shall direct and appoint.

Continuance of this Act This Act to continue until the said Sum of four thousand five hundred Pounds shall be levied, collected, repaid, and replaced unto the Commissioners or Trustees aforesaid; and until the End of the next Session of Assembly, which shall happen after the said Repayment and Replacing.

Chapter II An Act continuing an Act, entituled, An Act for the Advancement of Justice.

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly of this Province, entituled, An Act for the Advancement of Justice, made at a Session of Assembly begun and held at the City of Annapolis, the Twenty-first Day of September, Anno Domini One Thousand Seven Hundred Forty and Two, be, and is hereby continued, and to be and remain in Force, for

and during the term of Three Years, and unto the end of the next Session of Assembly that shall happen after the end of the said Three Years.

Session Laws
Continuation
of this Act
p. 18

An Act continuing an Act of Assembly of this Province Entituled, Chapter III
An Act for the better Relief of poor Debtors.

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act entituled, An Act for the better Relief of poor Debtors, made at a Session of Assembly begun and held at the City of Annapolis, the 10th Day of October, Anno Domini Seventeen hundred and twenty-two, be, and is hereby continued to be and remain in full Force, for and during the term of three Years from the End of this Session of Assembly, and to the End of the next Session of Assembly that shall happen after the End of the said three Years.

Continuation
of this Act

Provided, That this Act, or the Act hereby intended to be continu'd, shall not extend, or be construed to extend to exempt any Person or Persons whatsoever from the Payment of his Lordship's Quit Rents, Alienation Fines, or other Dues and Duties payable to his Lordship the Lord Proprietary, or his Governor for the Time being, for his or their sole Benefit, in any Specie or Manner to which such Person or Persons would have been liable if this Act had never been made.

Proviso

An Act continuing an Act Entituled, An Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law; and for continuing the Supplementary Act thereto.

Chapter IV

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act of Assembly Entituled, An Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law, made at a Session of Assembly begun and held at the City of Annapolis the twenty-second Day of June, Anno Domini Seventeen hundred and fourteen, be and is hereby continued, and shall be in full Force from and after the End of this Session of Assembly for and during the Term of three Years, and to the End of the next Session of Assembly which shall happen after the End of the said three Years.

Continuation
of this Act

And also, That one other Act entituled, A Supplementary Act to the Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law, made at a Session of Assembly begun and held at the City of Annapolis, the third Day

And of the
Supple-
mentary
Act thereto

Session Laws of October, Anno Domini Seventeen hundred and twenty-eight, shall be, and is hereby continued in full Force, during the Continuance of the first recited Act aforesaid.

Chapter V An Act continuing an Act of Assembly of this Province Entituled,
61^d An Act to prevent the ill Practices of Sheriffs in the Collecting and Payment of the Public and County Levies.

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Act entituled, An Act to prevent the ill Practices of Sheriffs in the Collecting and Payment of the Public and County Levies, made at a Session of Assembly begun and held at the City of Annapolis the twenty-first Day of September, Anno Domini One thousand seven hundred and forty-two, be and is hereby continued
Continuation of this Act to be and remain in full Force, for and during the Term of three Years from the End of this Session of Assembly, and to the End of the next Session of Assembly that shall happen after the End of the said three Years.

Chapter VI An Act continuing an Act Entituled, An Act for the speedy Recovery of small Debts out of Court, before a single Justice of the Peace.

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the abovementioned Act entituled, An Act for the speedy Recovery of small Debts out of Court, before a single Justice of the Peace, made at a Session of Assembly begun and held at the City of Annapolis, the eleventh Day of July, Anno Domini One thousand seven hundred and thirty-two, be and is hereby continued
Continuation of this Act to be and remain in full Force, for and during the Term of three Years, and unto the End of the next Session of Assembly that shall happen after the End of the said three Years.

Chapter VII An Act for erecting a County School in Worcester County, and appointing Visitors for the same.

Preamble Whereas, since the making an Act of Assembly of this Province entituled, An Act for the Encouragement of Learning, and erecting Schools in the several Counties within this Province, the County of Somerset, in the said Act mentioned, hath been divided, and a new County erected thereout by the Name of Worcester County: And whereas it seems highly necessary that the said new County should have and enjoy the same Benefit and Advantage in a County-School,

as the other Counties within this Province, it is humbly prayed that it may be enacted, Session Laws
p. 20

And be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Reverend Mr. Patrick Glasgow, Col. John Scarborough, Capt. John Purnell, Capt. Thomas Robins, Capt. William Lane, Major John Selby, and Col. James Martin, be and are hereby nominated, appointed and named Visitors for Worcester County School aforesaid; and are hereby invested with the same Powers and Authorities for discharging the several Offices, Duties, and Trusts, reposed in, and required of the Visitors, as well in the above-recited Act mentioned, as in the Supplementary Act relating thereto, in as full and ample Manner, to all Intents and Purposes whatsoever, as if the said Worcester County had been a County at the Time of making the above-recited Acts, and had been particularly and expressly mentioned therein. Visitors
appointed

And be it further Enacted by the Authority aforesaid, That the Money arising within this Province for the Use of County Schools, from and after the twenty-ninth Day of September next, that shall come into the public Treasurers Hands, shall be divided into thirteen equal Parts; and that the Treasurers, in whose Hands such Money lies, are hereby required to make due Payment of one of those thirteen Parts or Dividends of Money that shall come into their Hands for the Uses aforesaid, after the said 29th Day of September, to the Visitors of the said Worcester County School, and their Successors, or the major Part of them, or their Orders, whensoever they shall have Occasion to draw on such Treasurers for the same. And the Visitors aforesaid, and their Successors, are hereby empowered to dispose of all such Money as they shall receive from time to time, in such Manner as may be most for the Encouragement and Advancement of the said Worcester County School. How the said
School is to
be supported

An Act empowering the Vestry-Men and Church-Wardens of Christ's Church Parish, in Calvert County, to build a Chapel of Ease in the said Parish; and to empower the Justices of said County to levy on the taxable Inhabitants of the said Parish the Sum of eighty thousand Pounds of Tobacco, for the Uses therein mentioned. Chapter
VIII

Whereas the Rector, Vestry-Men, Church-Wardens, and sundry Inhabitants, of Christ's Church Parish, in Calvert County, have by their humble Petition to this present General Assembly set forth, That the Chapel of Ease in the said County and Parish called Middleham Parish, is by Length of Time become ruinous, and by Increase of the Inhabitants too small for the Congregation: they Preamble
p. 21

Session Laws therefore humbly pray, that an Act may pass, empowering the Justices of Calvert County to levy on the taxable Inhabitants of the said Parish, a Sum not exceeding eighty thousand Pounds of Tobacco, by equal and even assessment, in order to build a new Chapel of Ease, at or near the Place where the old Chapel stands; and which new Chapel, when built, may be deemed a Chapel of the said Parish, to be supported (and when Need requires to be repaired) at the Charge of the Parish.

Be it therefore Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Vestry-Men and Church-Wardens of Christ's Church Parish, in Calvert County, or the major Part of them, be and are hereby authorized and empowered to agree with such Persons as they shall think proper to employ, to build a Chapel of Ease, at or near the Place where the Chapel of Ease called Middleham Chapel, in said Parish, stands; which said Chapel so to be built shall be constituted and deemed a Chapel of Ease of the said Parish, and for ever hereafter be supported and repaired at the Charge of the said Parish.

And be it further Enacted, That the Justices of Calvert County shall and may, and they are hereby authorized and directed, on the Application of the Vestry-Men and Church-Wardens of the said Parish, to assess and levy, by three Assessments, on the taxable Inhabitants of the aforesaid Parish, the aforesaid Sum of eighty thousand Pounds of Tobacco, to be paid by the Parishioners by the first Day of June Yearly; which said Assessment, so to be levied, shall be collected by the Sheriff of Calvert County for the Time being, who is hereby authorized and required to collect the same, and shall have for such Collection after the Rate of five per Cent. And the said Sum of eighty thousand Pounds of Tobacco, when so collected, shall be paid to the Vestry-Men and Church-Wardens aforesaid, who are hereby authorized and required to apply the same to the Uses aforesaid.

Chapter IX An Act empowering the Justices of Talbot and St. Mary's County Courts, to allow, at the laying their next County Levy, unto Jonas Green, of the City of Annapolis, Printer, the Sums therein mentioned.

Preamble Whereas, by some Delay or Accident, the Laws made in the Year seventeen hundred forty and two, were not delivered in time to the Justices of Talbot County, nor those made in the Year seventeen hundred forty and four to the Justices of St. Mary's County; altho' they were respectively received in a few Days after the limited Time, which, by Act of Assembly, Jonas Green, Printer, was directed to

deliver them to the Justices of the respective Counties within this Session Laws Province; and, by Means of such Delay or Accident, the usual Reward, which otherwise would have been made to the said Jonas Green, in the Levy of the respective Counties of Talbot and St. Mary's, has not yet been allowed. It is humbly prayed that it may be Enacted.

And be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall and may be lawful to and for the respective Justices of Talbot and St. Mary's Counties aforesaid, and they are hereby directed to allow unto the said Jonas Green, in their next County Levy, the Sum of fifteen Pounds Current Money, in each of the said respective Counties, over and above the usual annual Allowance to be made him for printing the Laws of this Session; any former Law to the contrary thereof in any wise notwithstanding.

Justices of
Talbot and
St. Mary's
Counties to
levy 15l.
each for
Jonas Green

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY OF MARYLAND

*At a Session held at Annapolis November 6–November 12, 1746.
Being the Second Session of the Assembly, Elected in 1745.*

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

THOMAS BLADEN,
Governor.

PROCEEDINGS

UPPER HOUSE OF ASSEMBLY

At a Session of Assembly begun and held at the City of Annapolis
on Thursday the Sixth Day of November in the Thirty second Year
of His Lordships Dominion Annoq Domini 1746

1746
November 6
U. H. J.
Liber No. 34
p. 143

Present

His Excellency Thomas Bladen Esq^r Governor

The honourable	{	Benjamin Tasker Esq ^r	{	Col Edward Lloyd
		Col James Hollyday		Daniel Dulany Esq ^r
		Col Charles Hammond		Richard Lee Esq ^r

Mess^{rs} Key and Bayard from the Lower house acquaint his Excellency that there is a sufficient Number of Members met to make a House and wait his Excellencys Commands

Col Lloyd and Richard Lee Esq^r are sent to acquaint the Lower house that His Excellency requires the Speaker and the House to attend him in the Upper House

The Speaker and the Lower House attend and His Excellency is pleased to make the following Speech

Gentlemen of the Upper and Lower Houses of Assembly

Having received a Letter from the Governor of New York making Application for Provisions for the Forces sent from this Province, I found myself indispensibly obliged to call you together, thò at this advanced Season, to lay that Letter before you, and to inform you of the unhappy situation Our Troops are in, from being desti-

U. H. J. tute of such a Supply of Provisions as is absolutely necessary for
 Liber No. 34 their Support. A Want that cannot but be attended with the Great-
 est Inconveniencies, and which if not immediately provided for, must
 be productive of All the bad Events arising from Mutiny and
 Desertion

As the Article of Provisions is what is mentioned in the Duke of
 Newcastles Letter, as particularly recommended by his Majesty to
 the Assembly of this Province, It is my Duty to lay this Matter
 before you, not doubting, but you will give it the most serious Con-
 sideration, and resolve upon such a speedy and sufficient Supply, as
 you will judge necessary for the Support of Our Levies, that they
 may be freed from the Apprehensions of having the Calamity of
 Hunger added to the Distresses of a Cold and rigorous Climate

This Affair, Gentlemen, is the Only Motive of Our present Meet-
 p. 144 ing. I hope therefore that you will enter upon the Consideration of it,
 without Loss of Time, that you may the sooner return to Your
 Familys, and be the less exposed to the Inclemency of the Season

Mess^{rs} Key and Gresham from the Lower house acquaint his Ex-
 cellency that their House hath made Choice of M^r Michael Mac-
 nemara for their Clerk in the Room of M^r William Tilghman who
 hath resigned, and hopes for his Excellencys Approbation, to whom
 His Excellency is pleased to declare that He approves of their
 Choice

Mess^{rs} Key and Gresham from the Lower House attend with
 M^r Macnemara Clerk of the said House in Order to see him Quali-
 fied; who takes the several Oaths to the Government required by
 Law, repeats and subscribes the Abjuration and Test, and also takes
 the Usual Oath of Office

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Benjamin Tasker Esq^r One of the Agents appointed, by the Act
 of Assembly passed last Session, for maintaining and conveying the
 Forces raised in this Province, to Albany in the Province of New
 York, produces the following Account, which being read is approved
 of and ordered to be Entered

1746

Captⁿ Daniel Campbell D^r

June 30 th	To Order from Benj ^a Tasker Esq ^r & Charles	£	s	d
	Carrol on the Comm ^{rs} for emitting Bills of Credit	100	00	0
Sept ^r 15 th	To Order of D ^o payable to Daniel Campbell			
	& David Ross on Comm ^{rs}	193	00	0
		293	00	0

Per Contra Cr

1746 By Transporting and finding Necessaries on Board for Fifty Men of Captain Jordans Company and Two Officers to Albany in the Province of New York in Sloop Batchelor	£ s d	260..00..0
By Demurrage said Vessel from the 10 th of August to the 12 th of Septem ^r at 20/ 7 Diem		33..00..0
		<u>293..00..0</u>

1746 Captain Moses Chaille Dr

July 23. To Order from Benjamin Tasker Esq ^r & Charles Carrol on the Com ^{rs} for emitting Bills of Credit		38..00..0
" 30 To 2000cw ^t of Bread		15..00..0
Sept. 20. To Benjamin Tasker Esq ^r & Doctor Charles Carrol's Order on the Comm ^{rs} for Emitting Bills of Credit		235..00..0
		<u>288..00..0</u>

1746 Per Contra Cr

p. 145

Sept ^r 13 th By maintaining on Board and transporting to Albany fifty One Men of Captain Crofts Company including Officers as 7 Charter Party		255..00..0
By 33 Days Demurrage for your Sloop Mary from the 10 th of August to the 12 th of September inclusive at 20/ 7 Day		33..00..0
		<u>288..00..0</u>

1746 Mr Richard Gresham Dr

Sept. 17. To paid you by Dr Charles Carrol		47..02..0
To Benjamin Tasker & Dr Charles Carrols Order on the Comm ^{rs} for emitting Bills of Credit		220..18..0
		<u>268..00..0</u>

Per Contra Cr

By maintaining on board and transporting in the Sloop Kent to Albany in the Province of New York Thirty Two Men of Daniel Campbells Company and fifteen Men of Captain Crofts Company including Officers as 7 Charter Party		235..00..0
By Demurrage of said Vessel from the 10 th of August to the 12 th of September included at 20/ 7 Day 33 Days		33..00..0
		<u>268..00..0</u>

U. H. J. 1746
Liber No. 34

Mr Daniel Cheston Dr

Sept ^r 17.	To Benjamin Tasker & Charles Carrols Or-	} £ s d
	der on the Comm ^{rs} for emitting Bills of Credit	
		454..00..0

1746

Per Contra Cr

Sept ^r 13	By maintaining on board of the Schooner Hollister & Transporting to Albany in the Province of New York thirty Six Men of Captain Crofts Company and forty Eight Men of Captain Jordans Company including Officers as p Charter Party at 5£ p Man	} 420..00..0
	By Demurrage of said Vessel from 26 th of Aug ^t to the 12 th Septem ^r inclusive at 40 sh p Day	
		34..00..0
		454..00..0

1746

Mr Patrick Creagh Dr

Sept. 18.	To paid you by Doctor Carrol	116..08..9
	To Order on the Comm ^{rs} for Emitting Bills of Credit	300..00..0
		416..08..9

1746

Per Contra Cr

Sept. 13.	By maintaining on Board and transporting to Albany seventy one men including Officers of Capt ⁿ Cambels Comp ^y p Chart ^r Party	} 355..00..0
	By 33 Days Demurrage of the Schooner Hopewell from the 10 th of Aug ^t to the 12 th of Septem ^r inclusive at 30 sh p Day	
	By repairing and cleaning the Arms delivered the Soldiers as p Account	40..10..0
		11..18..9
		416..08..9

p. 146 1746

Mr George Downie Dr

Aug. 20.	To Cash paid you	18..15..0
	To D ^o paid you	9..12..7
Sept. 19.	To paid Mr Creaghs Order	70..00..0
		98..07..7

1746

Per Contra Cr

Sept. 19 th	By maintaining twenty one Men of Capt. Dan Campbell's Company and Eleven Men of Capt ⁿ Crofts with others removed to his house at times from the 8 th of July to 12 th of Septem ^r	} 98..07..7

1746 Mr John Smith Dr
 Sept^r 18. To Cash paid you £ s d U. H. J.
 5..07..4 Liber No. 34

1746 Per Contra Cr
 Sept^r 13. By maintaining Six Soldiers removed from }
 Other Places to your house belonging to Captⁿ } 55..07..4
 Daniel Campbells Company to the 12th September }

1746 Mrs. Frazer Dr
 Sept^r 17. To paid you by Dr Carrol 29..12..0

1746 Per Contra Cr
 Sept. 17. By maintaining Eleven Soldiers of Captⁿ }
 Crofts Comp^y as p Account & Rec^t from 25th July } 29..12..0
 to 12th of Septem^r }

1746 Mrs. Jane Widdagh Dr
 Sept. 18. To paid you by Dr Carrol 24..17..8

1746 Per Contra Cr
 Sept. 18. By maintaining Eleven Men of Capt. Crofts }
 & Two of Campbels men as p Acc^t & Rec^t from } 24..17..8
 8th July to 12th Sept^r }

1746 Mr John Chalmers Dr
 To paid you as p Receipt p Charles Carrol 270.. 6..6
 Sept. 18. To Order on the Comm^{rs} of the Paper Office 146..00..0
416..06..6

1746 Per Contra Cr
 Sept. 13. By maintaining 100 Men of Capt. Jordans }
 Comp^y from 25 July to 12 Septem^r incl as p Ac- } 268.. 5.. 6
 count }
 By 15 Men of Captⁿ Campbels Company & Others } 68.. 1.. 1
 sent you from 8 July to 12 Septem }
 By 29 Men of Captⁿ Crofts & Others sent you of that } 79..19..11
 Comp^y from 25 July to 12 Sept. as p Acc^t }
416.. 6.. 6

1746 Mr Richard Wilkins Dr
 Sept. 19. To paid you by D^l Carrol 135.. 3..10

U. H. J.
Liber No. 34Per Contra C^r

Sept ^r 19. By maintaining 21 Men of Capt ⁿ Campbells & 4 Men of Capt. Crofts with several Others re- moved to your house as p Acc ^t & Rec ^t from 8 July to 12 Septem ^r	}	£ s d 135.. 3.. 10
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1746 Mrs. Ann Burman D^r

July To Cash paid you	26.. 10.. 0
Sept. 19. To Order on Comm ^{rs} for emitting Bills of Credit	77.. 10.. 0
	104.. 00.. 0

1746 M^r John Campbell Taylor D^r

Sept. 18 To paid you p D ^r Carrol	3.. 17.. 8
--	------------

1746 Per Contra C^r

Sept ^r 18. By maintaining Two Men of Capt. Crofts Com. from 6 August to 12 th of Sept. as p Account	}	3.. 17.. 8
--	---	------------

p. 147 1746 M^r James Barnes D^r

Sept. 18. To paid you by D ^r Charles Carrol as p Re- ceipt	}	91.. 17.. 0
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1746 Per Contra C^r

Sept ^r 18 By maintaining 21 Men of Capt ⁿ Daniel Campbells Com. and five Men of Capt ⁿ Crofts from 8 th of July to the 12 th of Septem ^r at 8 ^s p Week as p Account	}	91.. 17.. 0
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Provision Account D^r1746 Per Contra C^r

Septem ^r 22 ^d By 38 Barrels of Pork remaining at 3.. 4.. 0 p Barrel	}	121.. 12.. 0
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The Publick of Maryland for maintaining and con- veying his Majestys Forces to Albany in the Province of New York	}	D ^r
---	---	----------------

1746 To paid Philip Crever for bringing Arms from Manococy as p Rec ^t	4.. 00.. 0
---	------------

July To W ^m Hudson for going Express to Virginia to Brigadier Gooch	6.. 16.. 0
---	------------

To R ^d Goldsmith for going to Williamsburgh from Rappahanock to D ^o	4.. 06.. 0
--	------------

To Lawrence Maynard for Services in Writing	5.. 00.. 0
---	------------

Septem ^r 15. To Daniel Campbell and David Ross for transporting 52 Men including Officers in the Sloop Batchelor and Demurrage of said Vessel from 10 th of August to the 12 th of Septem ^r	}	293.. 00.. 0
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Sept. 17 To Richard Gresham for maintaining on board and transporting to Albany in the Province of New York forty seven Men of the Forces including Officers as p Charter	£ s d	U. H. J. Liber No. 34
	235..00..	0
To D ^o for 33 Days Demurrage of this Vessel the Sloop Kent from 10 th of August to 12 th of Septem ^r inclusive	33..00..	0
To Daniel Cheston for maintaining on board and transporting to Albany Eighty four Men of said forces including Officers	420..00..	0
To Dan ^l Cheston for 17 Days Demurrage of his Vessel the Schooner Hollister from 26 th of August to 12 th of Septem ^r incl at 40/ p Day	34..00..	0
To Patrick Creagh for maintaining on board and transporting to Albany seventy One Men including Officers of Capt ⁿ Daniel Company according to Charter Party	355..00..	0
To Ditto for 33 Days Demurrage of Schooner Hope- well from the 10 th of August to the 12 th Septem ^r inclusive at 30/ p Day	49..10..	0
To D ^o for Account Smiths Work repairing and clean- ing the Arms delivered the Soldiers	11..18..	9
To Moses Chaille for maintaining on board and trans- porting to Albany fifty One Men of Captain Crofts Company	255..00..	0
To D ^o for 33 Days Demurrage of the Sloop Mary from the 10 th of August to the 12 th Septem ^r in- clusive at 20/ p Day	33..00..	0
To M ^{rs} Frazier for maintaining 11 Men of Capt ⁿ Crofts Company from 25 July to 12 Septem ^r as p Acc ^t and Receipt	29..12..	0
	1769..02..	9

1746

Septem ^r 17 To John Chalmers for maintaining One hundred forty and four Men of the forces from 8 th of July to 12 th Septem ^r inclusive as by Acc ^{ts} & sundry Others removed there		p. 148
	416..06..	6
To two Loads of Straw for sick Men	2..00..	0
To paid M ^r Maccubbin for a house for an Infirmary for the sick	5..00..	0
To paid Elizabeth Black for nursing the sick Soldiers	2..00..	0
To paid Eleanor Felton for nursing some sick Men & Lodging for them	2..00..	0
To paid Elijah Stansbury for maintaining himself and Two Men of Capt ⁿ Crofts Company from 25 July to 12 Septem ^r	6..16..	0

		£	s	d	
U. H. J.	To paid William Barefoot for maintaining himself in	}	2..	8..	0
Liber No. 34	Capt Crofts Company from 25 July to 12 th of Septem ^r				
	To William Rose and Alexander Drummer for main- taining themselves from 25 July to 12 th Septem ^r in Capt ⁿ Crofts Company	}	4..	16..	0
	To Ashbury Sutton for maintaining himself from 25 th of July to 12 th Sept ^r in Capt. Crofts Company				
	To John Smith for maintaining six Men from 19 th August to 12 th Sept ^r removed thither	}	5..	7..	4
	To John Campbell for Lawrence Atkinson and David Barry two Men of Capt ⁿ Crofts Company dieted with him as p Acc ^t & Rec ^t				
	To Richard Wilkins for maintaining 21 Men of Capt. Campbells Company & 4 of Capt ⁿ Crofts from 8 July to 12 th Septem ^r with Several Others re- moved thither as p Account and Rec ^t	}	135..	03..	10
	To Mrs. Ann Burman for maintaining twenty Men of Captain Campbells Comp ^y & 19 of Capt ⁿ Crofts from 8 th of July to 12 th of Septem ^r & Others re- moved thither				
	To George Downie for maintaining 21 Men of Capt ⁿ Campbells Company and Eleven of Capt ⁿ Crofts from 8 th of July to 12 th of Septem ^r with Others removed	}	98..	7..	7
	To James Barnes for maintaining twenty One Men of Capt ⁿ Campbells Company and five of Capt ⁿ Crofts from 8 th of July to the 12 th Septem ^r				
	To M ^{rs} Jane Widdagh for maintaining Two Men of Captain Campbell's Company and Eleven Men of Capt ⁿ Crofts from the 8 th of July to 12 th of Septem ^r	}	24..	17..	8
	To Paper Pens and Ink				
22 ^d	To Provision Account for thirty Eight Barrels of Pork remaining at £3..04..0 p Barrel which when sold the Money to be returned into the Office Storeage included	}	121..	12..	0
		£2799..11.. 4			

p. 149 1746

Per Contra C^r

		£	s	d
July 23 ^d By Benjamin Tasker Esq ^r & Charles Carrols	}	38..	00..	0
Order to Moses Chaille in the Commissioners for emitting Bills of Credit				
By Bills of Credit as p Rec ^t signed by D ^o to said Comm ^{rs}		200..	00..	0

30 th	By D ^o their Order to Dan ^l Campbell on the Comm ^{rs}	£	s	d	U. H. J. Liber No. 34
	By Bills of Credit of said Comm ^{rs} as p Rec ^t	100..00..	0		
Aug ^t 9.	By D ^o of D ^o paid Townshend for John Dennis as p Rec ^t	300..00..	0		
20	By rec ^d of the Com ^{rs} as p Rec ^t signed by Benja ^a Tasker Esq ^r & D ^r Cha. Carrol	180..00..	0		
Sept. 15.	By B. Tasker Esq ^r & Ch. Carol Order to Dan ^l Campbell & David Ross	300..00..	0		
17 th	By D ^o their Order to Rich ^d Gresham on the Com ^{rs} for emitting Bills of Credit	193..00..	0		
	By their Order to Daniel Cheston on D ^o	220..18..	0		
18.	By D ^o their Order to John Chalmers on D ^o	454..00..	0		
	By D ^o their Order to Patrick Creagh on D ^o	146..00..	0		
19.	By D ^o their Order to Ann Burman on D ^o	300..00..	0		
20.	By D ^o their Order to Moses Chaille on D ^o	77..10..	0		
22 ^d	By Cash as p Rec ^t	235..00..	0		
		55..03..	4		
		£2799..11..	4		

Errors Excepted this 6 Novem^r 1726 p Benja^a Tasker
C. Carroll

Adjourned till to Morrow Morning Ten of the Clock

Friday Morning 7th November 1746

November 7

This house met again according to Adjournment

Present as Yesterday

Benjamin Tasker Esq^r attended by the Members of this house presents to his Excellency the Address of this house which follows in these Words

To His Excellency Thomas Bladen Esq^r Governor & Commander in Chief in an over the Province of Maryland

The humble Address of the Upper house of Assembly
May it please Your Excellency

We return Your Excellency thanks for communicating the Governor of New Yorks Letter to Us, and acquainting us, with the unhappy Situation Our Troops are in, for want of a proper Supply of Provisions, which if not speedily provided for, must certainly expose Men, who are ready to hazard their Lives in the service of their King and Country, to the greatest Distress, and be attended with the Inconveniencies you have mentioned

U. H. J. And as his Majestys Royal Pleasure hath been signified by his
 Liber No. 34 Grace the Duke of Newcastle, in Relation to the Article of Provi-
 p. 150 sions, We assure Your Excellency that nothing in Our Power shall
 be wanting, to comply in the most effectual manner, with what Our
 most Gracious Sovereign has been pleased to recommend to the
 Assembly of this Province Benj. Tasker, Pres^t

Adjourned till to Morrow Morning ten of the Clock

November 8

Saturday Morning 8 November 1746.

This house met again according to Adjournment

Present as Yesterday with the Addition of Samuel Chamberlain Esq^r

Mess^{rs} Ennals and Thomas from the Lower house attend with
 M^r Daniel Sullyvan a Member elected for Dorchester County in
 Order to see him qualified, who takes the several Oaths to the Gov-
 ernment required by Law, repeats and subscribes the Abjuration
 and Test, and then withdrew

Adjourned till Monday Morning ten of the Clock

November 10

Monday Morning 10th Novem^r 1746

This house met again according to Adjournment

Present

The ho ⁿ ble	{	Benjamin Tasker Esq ^r	}	Col Edward Lloyd
		Col James Hollyday		Daniel Dulany Esq ^r
		Col Charles Hammond		Richard Lee Esq ^r
		Sam ^l Chamberlain Esq ^r		

His Excellency is pleased to communicate his Answer to the Ad-
 dress of this House which Answer follows in these Words
 Gentlemen of the Upper house of Assembly

I thank you for your Address and make no Doubt of your Zeal
 for His Majestys Service, and Attachment to the Interest of Your
 Country T. Bladen

Adjourned till 3 of the Clock in the Afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

Tuesday Morning 11 November 1746

U. H. J.
Liber No. 34
November 11

This house met again according to Adjournment

Present as Yesterday with the Addition of Edmund Jenings Esq^r

A Bill from the Lower house by Mess^{rs} Scarburgh and Robins
Entituled An Act for issuing and paying out of the Office of the
Commissioners or Trustees for Emitting Bills of Credit established
by Act of Assembly the Sum of Nine hundred Pounds Current
Money in Bills of Credit, as also for the Payment of Two hundred
Pounds Sterling for purchasing Provisions for his Majestys forces
raised in this Province, and other purposes, and for continuing Part
of an Act therein mentioned, thus Endorsed p. 151

By the Lower house of Assembly 10 November 1746

Read the first time and ordered to lye on the Table

Signed p Order M. Macnemara Ct Lo Ho.

By the Lower house of Assembly 11 November 1746

Read the second time and will pass

Signed p Order M Macnemara Ct Lo Ho.

Read the first time in this house and ordered to lye on the Table
Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

Read the second time the Bill Ent^d An Act for issuing and paying
out of the Office of the Commissioners or Trustees for emitting Bills
of Credit, established by Act of Assembly the sum of Nine hundred
Pounds Current money in Bills of Credit, as also for the Payment
of Two hundred Pounds sterling for purchasing Provisions for his
Majestys forces raised in this Province, and Other Purposes, and
for continuing Part of an Act therein mentioned; Passed, and sent
to the Lower house with the following Message by Richard Lee Esq^r

By the Upper House of Assembly 11 Novem^r 1746

Gentlemen

The Bill, Entituled An Act for issuing and paying out of the
Office of the Commissioners or Trustees for emitting Bills of Credit
established by Act of Assembly the sum of 900 Current Money in
Bills of Credit, as also for the Payment of £200 sterling for pur-
chasing Provisions for his Majesty's forces raised in this Province,
and other Purposes, and for continuing Part of an Act therein men-
tioned, has passed this House, But We observe that there is no par-
ticular Direction for the reimbursing to M^r Bayard what he has
already advanced for the Subsistence of the Troops raised in this
Province, or for making him a Compensation for his Trouble p. 152

U. H. J. As We presume This Matter may have Slipt your Notice, We
 Liber No. 34 shall be ready to joyn Our Concurrence in any Measures you may
 think expedient for this Purpose

Signed p Order John Ross Ct Up Ho
 Adjourned till to Morrow Morning Ten of the Clock

November 12

Wednesday Morning 12 November 1746

This house met again according to Adjournment

Present as Yesterday

A Message from the Lower house by Mess^{rs} Lloyd and Wilkinson

By the Lower house of Assembly 12 November 1746

May it please Your Honours

In Answer to Your Message of Yesterday by Richard Lee Esq^r
 It does not appear to this house that M^r Bayard has advanced any-
 thing towards the Maintenance of the soldiers raised here and sent
 to Albany, And if he has, We conceive it to be done rather on some
 other Credit than that of this Province, on behalf of which We have
 exerted to the Utmost of the Ability of the Inhabitants, and even
 gone beyond what might reasonably be expected from Us, nor do
 We design to lay the Country under any further Expence upon the
 Occasion

In the Bills of Exchange to be transmitted for the Purchase of
 Bread We have considered M^r Bayard would draw a Commission,
 and therefore enlarged the sum accordingly

Signed p Order M Macnemara Ct Lo Ho.

An Engrossed Bill from the Lower house by Mess^{rs} Hall and
 Dulany Entituled An Act for issuing and paying out of the Office of
 the Commissioners or Trustees for emitting Bills of Credit estab-
 lished by Act of Assembly the sum of Nine hundred Pounds Current
 Money in Bills of Credit, as also for the Payment of Two hundred
 Pounds sterling Money for purchasing Provisions for his Maj^{ty}s
 Forces raised in this Province, and Other Purposes, and for con-
 tinuing Part of an Act therein mentioned thus subscribed.

12th Novem^r 1746

Read and assented to by the Lower house of Assembly

Signed p Order M Macnemara Ct Lo Ho.

Read and Assented to by this house and Ordered to be so sub-
 scribed, the Paper Bill so Endorsed is sent to the Lower house by
 Sam^l Chamberlain Esq^r

Col Hollyday and Col Lloyd Two of the Agents appointed by the
 Act of Assembly passed last Session for paying the Bounty Money
 to the Soldiers enlisted for the Expedition against Canada having

produced the following Accounts which being read are approved U. H. J.
of and ordered to be entered Liber No. 34

The Province of Maryland for Cash paid the Soldiers enlisted for p. 153
the Canada Expedⁿ

Dr

To Bounty paid seventeen Men inlisted in Queen Anns County by Capt ⁿ Dan Campbell as by his Certifi- cate & Rec ^t may appear	}	85..00..0
To D ^o paid 13 Men inlisted in the same County by Capt ⁿ Dudley Crofts, as by his Certificate & Rec ^t may appear		
		65..00..0
		150..00..0

1746

Cr

By Cash received of the Commissioners for emitting the Paper Currency by Direction of the Canada Act	}	150..00..0
		150..00..0

Errors Excepted this 10th Day of November 1746
Ja^s Hollyday Agent appointed for Queen Anns Co^{ty}

The Province of Maryland for Monies paid the Soldiers inlisted for
the Canada Expedition

Dr

To paid James Coopers Order	£
To paid Jn ^o Newmans Order	5— 1746
To paid Alex ^r Maccleods D ^o	5— Aug. 11
To p ^d Elijah Stansburys D ^o	5— Sept. 9
To paid Stephen Lillys D ^o	5— Transferred
To paid John Greens D ^o	5— by
To paid Thomas Kelleys D ^o	5— Col. Tasker
To p ^d Christopher Mews D ^o	5—
To paid Samuel Woods D ^o	5— Sept. 20th
To p ^d Andrew Impeys D ^o	5—
	5— Nov. 1st
	50—

1746

Cr

By received of the Commissioners of the Paper Currency Office by Directions of the Canada Act	}	50—
		50—

Errors Excepted in Talbot County 3^d November 1746
Edw^d Lloyd

U.H.J. The Journal of Accounts is brought from the Lower house by
Liber No. 34 M^r Worthington and Others thus subscribed

By the Lower house of Assembly 12 Novem^r 1746

Read and assented to

Signed p Order M Macnemara Ct Lo Ho.

A Message from the Lower house by Mess^{rs} Sheredine and Gresham

By the Lower house of Assembly 12 Novem^r 1746

May it please your Honours

It appearing to this house that Paper and Parchment is wanting for the use of the Publick, and as there is a Ballance, remaining in the hands of the Executors of Col Samuel Young of £13..16..8 in Current Gold due on the Duty of Twenty shillings sterling p head on Irish Papists and Negroes imported into this Province, We propose that that Ballance be taken out of the said Executors hands by
p. 154 an Order drawn on them payable to M^r Philip Hammond, who has undertaken to convert that Sum into a Bill of Exchange and send to England for Paper and Parchment for the Use of the Publick to the Amount thereof if Your Honours concurr therewith

Signed p Order M Macnemara Ct Lo Ho.

Adjourned till three of the Clock in the Afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

The following Message is sent by Col Lloyd

By the Upper house of Assembly 12 Novem^r 1746

Gentlemen

In Answer to your Message of this Morning by Mess^{rs} Lloyd and Wilkinson about disposing of the Ballance due in Gold Currency from the Estate of Col Young. We concur with your house as to the Application of that Money in the Manner you propose

Signed p Order John Ross Ct Up Ho.

The following Message is sent with the Journal of Accounts by Daniel Dulany Esq^r

By the Upper house of Assembly 12 Novem^r 1746

Gentlemen

We herewith return the Journal of Accounts, in which We observe you have made no Allowance for the several Articles mentioned in a Message sent from this house on the 4th of July in the last Session, nor is there any Allowance made to the Governor in Discharge of his Disbursements on the Governors house, and which was recommended in Septem^r 1745 to the then Lower house

We hope you will consider these several Matters in such a manner that the Journall may pass

U. H. J.
Liber No. 34

Signed p Order John Ross Ct Up Ho.

Mess^{rs} Key and Pearce from the Lower house acquaint his Excellency, their House hath no Business before them

Col Hammond and Samuel Chamberlain Esq^r are sent to the Lower house to acquaint the Speaker, that His Excellency requires his immediate Attendance with the Lower house in the Upper house to see the Bill passed Both Houses this Session receive the Assent

The Lower house attend and by their Speaker present to his Excellency the following Bill viz.

An Act for issuing and paying out of the Office of the Commissioners or Trustees for Emitting Bills of Credit established by Act of Assembly the sum of Nine hundred Pounds Current Money in Bills of Credit, as also for the Payment of Two hundred Pounds sterling Money for purchasing Provisions for his Majestys forces raised in this Province and Other Purposes, and for continuing Part of an Act therein mentioned p. 155

Which His Excellency passed into a Law by sealing it, with the Right, honourable the Lord Proprietarys Great Seal at Arms, and subscribing On Behalf of the Right honble the Lord Proprietary of this Province I will This be a Law

After Which His Excellency was pleased to conclude this Session with the following Speech [This Speech is not found in the manuscript]

PROCEEDINGS

THE LOWER HOUSE OF ASSEMBLY

L. H. J.
Liber No. 46
November 6
1746

At a Session of Assembly held at the City of Annapolis on Thursday the Sixth Day of November 1746 and in the 32^d Year of the Dominion of the Right Honourable Charles Absolute Lord and Propy of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c. his Excellency Thomas Bladen Esq^r Governor.

the following Members appeared in the Lower House of Assembly Viz.

The Hon^{ble} Colonel Edward Sprigg Speaker

For S^t Mary's County

M^r Abraham Barnes
M^r Zachariah Bond
M^r James Mills
M^r Phillip Key

For Kent County

M^r John Gresham
M^r Richard Gresham
M^r Matthias Harris

For Ann^l County

Docto^r Charles Carrol
M^r Phillip Hammond
Major Henry Hall
M^r Thomas Worthington

For Calvert County

M^r Joseph Hall
M^r John Brome

For Charles County

M^r Richard Harrison
M^r John Courts

For Somerset County

William Stoughton Esq^r
Col^o George Dashiel

For Talbot County

M^r William Thomas
M^r Robert Lloyd

For Dorchester County

Col^o Henry Hooper

For Cecil County

Captain Nicholas Heyland
Captain Peter Bayard

For Baltimore County

Major Thomas Sheredine
Doc^r George Buchanan

For Prince Georges County

M^r Turner Wooten
Captain John Stoddart
Captain John Addison

For the City of Annapolis

M^r Walter Dulany

For Queen Anns County

M^r Thomas Hammond
Capt. William Hopper

For Worcester County

M^r Thomas Robins
Col. John Scarborough

M^r Key and M^r Bayard were sent to Acquaint the Governor that a Number of Members sufficient to Compose a lower House of Assembly was Convened at the Stadt House

They Return and Acquaint M^r Speaker they Delivered the Mes-
 sage. Colonel Lloyd and Rich^d Lee Esq^r from the Upper House
 Acquaint M^r Speaker that the Governor Requires the Attendance
 of the Lower House of Assembly. M^r Speaker left the Chair and
 with the members of the Lower House went to the Upper House
 where His Excellency made the Following Speech (See page 421)

L. H. J.
 Liber No. 46

M^r Speaker and the other Members Return to their House. M^r p. 662
 Speaker resum'd the Chair

on Motion of a Member that M^r William Tilghman the Present
 Clerk of this House was Willing to Resign the Office to M^r Michael
 Macnemara.

The house Accepted this Resignation and made Choice of M^r
 Macnemara

M^r Key and M^r Richard Gresham were ordred to Acquaint his
 Excellency that this house had made Choice of M^r Macnemara for
 their Clerk and desires his Approbation. They Return and Acquaint
 M^r Speaker they deliver'd their Message and that the Governor Was
 Pleas'd to Approve the Choice

Mess^{rs} Key and Richard Gresham were sent to the Upper House
 to see M^r Macnemara Qualified as Clerk of this House they Return
 and Acquaint M^r Speaker that they saw the Clerk take the several
 Oaths to the Government required by Law Sign the Oath of Abju-
 ration and Repeat and sign the Test and take the Following Oath
 of Office Viz.

You Michael Macnemara do Swear that as Clerk of the Lower
 House of Assembly You shall true Entrys make of all such Matters
 and things as by the Honourable Speaker for the time being and that
 House shall be to you directed, the secrets of the said House you shall
 not Divulge to the Prejudice of the House or any Member thereof
 but shall in all things as Clerk to the said House well and truly
 Demean Yourself According to the best of Your knowledge, So help
 you God.

Colon^l Edward Sprigg one of the Agents appointed by an Act of
 Assembly Entituled an Act for Issuing and taking out of the Office
 of the Comm^{rs} or trustees Appointed for Emitting Bills of Credit &c.
 the sum of 4500th Current Money for Encouragement of such able
 Body'd Freemen as shall Voluntarily enlist themselves into his
 Majestys Service for the Intended Expedition against Canada &c.
 Lays before the House the following Acco^t

D ^r The Province of Maryland		
1746. To cash paid Twelve men in Capt. Crofts Com-	}	11 s d 60..0..0
pany as p Rec ^t		
To Cash paid twenty Eight men in Capt. Jordans Comp ^a	}	140..0..0
as p rec ^t		
		£200..0..0

L. H. J.
Liber No. 46

Per Contra

By Cash received of the Commissioners of the paper office	}	11 s d 200..0..0
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3^d Nov^r 1746 Err^{rs} Excepted by Edw. Sprigg

which was read and Ordered to lye on the Table. The house Continues the several Committees with their Several Clerks as were last Session

Resolved that the hours of Sitting during this Session be from Nine of the Clock in the Morning untill Twelve and from Two of the Clock in the Afternoon untill ffour

p. 663 Ordered that the Committee of Laws prepare an Address to the Gov^r on his Speech. The house Adjourns untill Two of the Clock in the Afternoon.

Post Merediem. The house met according to Adjournm^t

Col^o Hooper from the Committee of Laws delivers to M^r Speaker an Address to the Gov^r which was Read approved and Ordered to be Ingrossed.

Col^o Hooper from the Committee of Laws delivers to M^r Speaker the following Address Ingrossed Viz.

To his Excellency Thomas Bladen Esq^r Gov^r of Maryland

The humble Address of the House of Delegates.

May it please your Ex^cy

We shall never think any Trouble to ourselves too great so that it may Contribute to his Majesty's Service and altho' the Meeting of an Assembly at this Season of the Year is very inconvenient Yet We shall chearfully Consider the Matter recommended in your Excy's Speech at the opening this Session.

At our last Sitting this House Exerted it self rather beyond the Circumstances of the People by the ample provision then made for three hundred Men who with their Officers We are highly pleased to hear are safely Arrived at the place of Rendezvous in the province of New York. We did not doubt but that his Majesty's pay to the Soldiers and Officers (after being maintained here and at the Ex-
pence of the province sent to Albany) might well support them in Provisions there. However that We may not be wanting in our Duty to the utmost of our Ability We shall further Consider his Grace the Duke of NewCastle's Letter and comply with his Majesty's Expectations so far as We Conceive them Expressed therein. Which was Read & Assented to and Signed by Order of the House p

Edw^d Sprigg Sp^r

Mess^{rs} Stoughton and Stoddart were sent to acquaint the Gov^r that this House hath prepared an Address to him and desires to know when and where he will receive it. They return and Acquaint M^r Speaker the Gov^r was ready at his house to receive the Address immediately.

Doctor Charles Carroll one of the Agents for providing provisions L. H. J. for and Transporting the Soldiers to the place of Rendezvous delivers Liber No. 46 to M^r Speaker the following Accounts (See page 422)

Which were Read Ordered to Lye on the Table. Col^o Hooper and p. 669 M^r Wootton were ordered to present the Address to his Excellency the Gov^r

The house Adjourned untill to Morrow at Nine of the Clock

Friday Morning Nov^r 7th 1746

November 7

The House met according to Adjournment, the Proceedings of Yesterday were Read. The House having taken into Consideration his Grace the Duke of Newcastle's Letter

Resolved that a Sum not exceeding Pounds be applied for the Maintenance and Support of the Soldiers raised within this Province for his Majesty's Service and now in the Province of New York

Ordered that M^r Phillip Hammond M^r Key Doctor Carroll. Doctor Buchanan and M^r Richard Gresham be appointed a Committee to make a Calculation of the Expence of maintaining Three hundred Soldiers for six Months and to find out Ways and Means to raise a Sum for that purpose and to make a Report thereof to the House

Doctor Charles Carroll delivers to M^r Speaker a Narrative Complaint and humble Petition which was Read & Referred for Consideration to Morrow Morning.

A petition of M^r Joseph Hall of Calvert County to this House was Read & Referred for Consideration to Morrow Morning.

The Gov^r Communicated to M^r Speaker the following Answer to the Address of this House Viz.

Gentlemen of the Lower House of Assembly

What you say in your Address Iustly claims my Approbation and you accordingly have it very sincerely T. Bladen

The house Adjourns untill 2 of the Clock.

Post Meridiem. The House met according to Adjournment. Col^o King, Col^o Hall & Capt Ennalls appeared in the House. M^r Sheredine & M^r Matthias Harris two of the Agents appointed by an Act of Assembly Entituled an Act for issuing and Taking out of the Office of the Comm^{rs} or Trustees appointed for Emitting Bills of Credit &c^a the sum of £4500. Currant Mony for Encouragement of such able bodied Freemen as shall Voluntarily Enlist themselves into his Majesty's Service for the intended Expedition against Canada &c Deliver to M^r Speaker the following Acc^{ts} Viz. p. 670

the Province of Maryland Acc^t the Bounty Mony allowed p Act of Assembly

L. H. J.
Liber No. 46D^r

1746	} To Mony paid 30 Soldiers of Capt. Camp- bells Comp ^a at £5. each as p Rec ^{ts} To my Commission of £150..0..0 at p Cent	} £150..0..0
Aug ^t 16 th		

C^r

1746	} By mony rec ^d of the Com ^{rs} of the Loan office	£150..0..0
June		

Errors Excepted T Sheredine Agent for Balt. Co^{ty}

D ^r the Province of Maryland		
To paid Robert MacLeods order		£5.. 0..0
To D ^o William Dodds order		5.. 0..0
To my Assumption for W ^m Becks ord ^r		5.. 0..0
To paid Anthony Furnances order		5.. 0..0
To my Assumption to John Howard on Acc ^t of Laurence	} 1..12..8	
Atkinson		
To D ^o to Geo. Clarke on Acc ^t of D ^o		3.. 7..4
To paid John McCollough as p rec ^t		75.. 0..0
		£100.. 0..0

Contra C^r

By rec ^d of the Com ^{rs} of the Paper office pursuant to an	} £100.. 0..0
Act of Assembly &c	

Nov^r 7th 1746 Excepted p Ma. Harris for Kent County

Which were Severally Read and Ordered to Lye on the Table

Mr Phillip Hammond from the Committee appointed to enquire into ways & means for raising a Sum of Mony to be applied towards purchasing provisions for Victualling the fforces sent from hence to the Province of New York Delivers to M^r Speaker the following Report Viz.

p. 671 At a Committee appointed by the Hon^{ble} the Lower House of Assembly to enquire into Ways and Means for raising a Sum of Mony and for applying the same towards purchasing provisions for Victualling the Forces sent from hence to the Province of New York for his Majesty's Service in the intended Expedition against Canada.

Were present

M ^r Phillip Hammond	Doct ^r George Buchanan
M ^r Phillip Key	M ^r Richard Gresham
Doct ^r Charles Carroll	

Who make Choice of M^r Phillip Hammond to be their Chairman and Vachel Denton Clerk and proceed to make Report to the House on the Subject Matter under their Consideration as follows

220 ^{lb} of beef at 2 ^d p lb is	1..16.. 8
a barrell will cost	0.. 5.. 0
½ a bushel of Salt	0.. 2.. 6
packing cutting & Salting p barrel	0.. 2..10

2.. 7.. 0

100 barrels of beef at the above rate p barrel	}	235.. 0.. 0
amounts to		
150 barrels of Pork at £3 p barrel which its con-	}	450.. 0.. 0
ceived it may be had at is		
38 barrels now in ballance of last publick Account	}	121..12.. 0
£3..4..0 p barrel is		

288 Freight at 10s p barrel is	144.. 0.. 0
--------------------------------	-------------

Suppose bread bought here at 14/ p	}	378.. 0.. 0
⊖ 54 ~~M~~ weight will amount to		
Which bread will at ten barrels to each	}	67..10.. 0
thousand weight require 540 Bar-		
rels at 2/6 each is	}	270.. 0.. 0
Freight at 10s p barrel on 540 Barrels		
is		

715..10.. 0 £425.. 5.. 0

We conceive that the above quantity of	}	425.. 5.. 0
bread may be bought in the Prov-		
ince of New York at 7s sterl p ⊖		
which will amount to £189. Sterl.	}	290.. 5.. 0
and that at 125 p Cent is in Cur-		
rency		
Which makes a difference saved to the	}	
Province thereby		

715..10.. 0 £1375..17.. 0

4000 ^{lb} Tobacco at 12/6 p C ^t is	25.. 0.. 0
--	------------

Duty thereon

p. 672

5 p Cent Commission and other Incident charges	85.. 0.. 0
--	------------

1485..17.. 0

Which Sum We Conceive may be paid as follows

38 Barrels of Pork in Ballance of last publick Account	}	121..12.. 0
of the Transport Service at 3..4..0 p barrel is		
Remains in the office unapplied of the 3000 ^{lbs} appro-	}	200.. 8.. 4
propriated by the last Act for maintaining and trans-		
porting his Majesty's Forces raised within this		
province		

L. H. J. To be taken out of the Office for Emitting Bills of	}	1163..16.. 8
Liber No. 46 Credit		
		1485..17.. 0
In Case Bills of Exchange be transmitted to purchase	}	425.. 5.. 0
the Bread as before Calculated and which We		
Conceive may be drawn on M ^r W ^m Hunt Merch ^t		
in London who has Mony in his hands will lessen		
the Current Mony to be taken out of the Office		
So that there will be taken out of the Office only		738..11.. 8
		1163..16.. 8

Which sum of £738..11..8 or that of £1163..16..8 We apprehend may be raised by either of these means viz. out of the Mony now in the hands of the Commissioners of the Loan office formerly paid in on the late ordinary License Law and yet unapplied, or by borrowing from the Loan office that sum to be replaced by a further Continuation of the Ordinary License Law now Subsisting

All which is humbly Submitted to the Consideration of the House
Signed p order V Denton Clk.

On Reading the aforesaid Report Resolved that the Sum of £800. be taken out of the Paper office to purchase Beef Pork Tobacco and other the purposes in the Report mentioned and be replaced by a further Continuation of the Ordinary Licence Law And that the
p. 673 Sum of £189..0..0 Sterling be taken out of the hands of M^r William Hunt Merchant in London and be transmitted to New York for purchasing Bread for the Soldiers. Ordered that the Committee of Laws prepare and bring in a Bill accordingly.

The house Adjourns untill the Morrow Morning at 9 of the Clock.

November 8

Saturday Morning Nov^r 8th 1746.

The house met according to Adjournm^t &c^a

The proceedings of Yesterday were Read. Col^o Henry appeared in the House. M^r Daniel Sullivan a Member returned to serve for Dorchester County appeared in the house. Capt. Ennalls and M^r Thomas were Sent to the Upper house to see him qualified. They return & acquaint M^r Speaker they saw him qualified by taking the Several Oaths to the Government required by Law Signing the oath of Abjuration & repeating and signing the Test. The Gentleman took his Seat in the House.

The House taking into Consideration the Accounts of Benjamin Tasker Esq^r and Doctor Charles Carroll two of the Agents for providing for and Transporting the Soldiers raised in this province to

the place of Rendezvous On Examination find them right and unanimously approve of the Conduct and Management of those Gentlemen in relation thereto and Resolved that the Agents appointed for the aforesaid Uses be allowed £100.0.0 for their Trouble and that there be a Clause for that purpose incerted in the Bill now preparing by the Committee of Laws. On reading the Petition and Complaint of Doctor Carroll The Question was put Whether this house shall Address the Governour on the Subject Matter of the said Complaint, or not.

L. H. J.
Liber No. 46

Resolved in the Negative

ffor the Affirmative

M ^r Harris	M ^r Joseph Hall	Doctor Buchanan
M ^r P. Hammond	M ^r Brome	M ^r Wootton
Major Henry Hall	M ^r Lloyd	M ^r Addison
M ^r Worthington	M ^r Sheredine	

For the Negative

M ^r Barnes	M ^r Tho. Hammond	Col ^o Hooper
M ^r Bond	M ^r Robins	Capt. Ennalls
M ^r Key	Col ^o Scarborough	M ^r Sullivane
M ^r I. Gresham	Col ^o Henry	Capt. Bayard
M ^r R. Gresham	Col ^o Dashiels	Capt. Heyland
M ^r Harrison	Col ^o King	
M ^r Stoughton	M ^r Thomas	

Doctor Carroll having delivered into this House a Narrative Com- p. 674
plaining of Insults and Abuses from the Governour Thomas Bladen Esq^r in discharge of his Duty under the Trust reposed in him by the Legislature on Account of the Canada Expedition

It is Resolved that so far as it appears by the Examination into the Behaviour of him the said Charles Carroll he hath faithfully discharged the Trust reposed in him and fully Answered the Expectations of the Country and Although this House at present Waives Addressing his Excellency the Governour on the Complaint delivered in Yet. Resolved and determined to Support the Fundamental Rights of the House of Delegates and its Members in the Iust Execution of their Duty upon all occasions

Ordered that the Committee of Accounts prepare and bring in the Journal of Accounts on Tuesday Morning next.

The House Adjourns untill Monday Morning at 9 o'clock

Monday Morning Nov. 10th 1746.

The house met according to Adjournment &^a the Proceedings of Saturday were Read

November 10

L. H. J. M^r Wilkinson and Capt. Purnell appeared in the house
Liber No. 46 The house Adjourned untill 2 of the Clock.

Post Merediem

The house met according to Adjournment. The Accounts of Col^o Edward Sprigg M^r Sheredine and M^r Harris Agents relating to the disposition of the Five pounds Bounty Mony were Severally Examined and Approved of by the house.

M^r Hammond from the Committee of Laws delivers to M^r Speaker a Bill Entituled an Act for issuing and paying out of the Office of the Commissioners or Trustees for Emitting Bills of Credit Established by Act of Assembly the sum of nine hundred Pounds Currant Mony in Bills of Credit as also for the payment of Two
p. 675 hundred pounds Sterling Mony for purchasing provisions for his Majesty's Forces raised in this Province and other purposes and for Continuing part of an Act therein mentioned.

Which Bill was read the first Time and ordered to Lye on the Table.

The house Adjourned untill the Morrow Morning at 9 of the Clock

November 11

Tuesday Morning Nov^r 11th 1746

The house met according to Adjournment &c, the proceedings of yesterday were Read. M^r Pearce and M^r Lecompte appeared in the house

On Motion of a Member that a Committee be appointed to inspect into the State and Condition of the Repository and Records therein

Ordered that Col^o Hooper and M^r Key be a Committee to make an Inspection and to make Report thereof to the house

The bill Entituled an Act for issuing and paying out of the office of the Comm^{rs} or Trustees for emitting bills of Credit established by Act of Assembly the sum of 900th currant Mony in Bills of Credit &c^a was read the second Time and will Pass. Sent to the upper house by Col^o Scarborough and Capt. Robins. The house adjourned untill 2 of the Clock.

Post Merediem. The house met according to Adjournment.

Coll^o Hollyday Coll^o Lloyd Capt. Ennalls Col^o Scarborough Col^o Dashiell Capt. Heyland M^r Barnes and Capt. Harrison Agents appointed by the Act relating to the disposition of the Five pounds Bounty Mony and M^r Joseph Hall on behalf of M^r Walter Smith Agent for Calvert County delivered to M^r Speaker the following Acc^{ts} viz. (See page 433)

D^r Province of Maryland Acc^t of Bounty Mony allowed by Act L. H. J.
of Assembly Liber No. 46

1746	} To mony paid Sundry Soldiers Enlisted under Capt. John Jordan as p ^r rec ^{ts} appears	} lbs 69.. 5.. 0
Sept. 11 th		
To Ditto paid Sundry Soldiers Enlisted under Capt. Crofts as p ^r Rec ^{ts} appears		
To Mony paid M ^r Barnes as p ^r rec ^t app ^{rs}	1.. 7.. 6	
		<u>£100.. 0.. 0</u>

C^r By Mony rec^d of the Comm^{rs} of the Loan office £100.. 0.. 0

Errors Excepted B. Ennalls Agent for Dorchester Co^{ty}

D^r the province of Maryland on Acc^t of the Bounty Mony allowed
p Act of Assembly

1746	} To Mony paid ten Soldiers of Capt. Jordans Company at 5..0..0 th p as p ^r rec ^t appears	} £50.. 0.. 0
Aug. 1 st		
C ^r 1746 June	By Mony rec ^d of the Comm ^{rs} of the Loan	50.. 0.. 0

Errors Excepted p John Scarborough Agent for Worcester Co^{ty}

D^r Province of Maryland on Acc^t of the Bounty Mony allowed p p. 677
Act of Assembly

To Mony paid 20 Soldiers under the Command of Capt. John Jordan at 5 th each as p ^r rec ^t	} £100.. 0.. 0	} 1746

C^r By Mony received of the Comm^{rs} of the Loan office 100.. 0.. 0

Errors Excepted p Geo. Dashiell

D^r the province of Maryland

To 31 orders paid to Capt. Dud Crofts men who were Inlisted for the Expedition against Canada at £5 each	} £155.. 0.. 0	} 1746
To 9 orders paid Capt. Dan ^l Campbells men who were Inlisted for the Expedition against Canada at £5. each	} 45.. 0.. 0	

£200.. 0.. 0

p Contra C^r

By cash received from the Comm ^{rs} of the Paper Cur- rency office	} £200.. 0.. 0

Nov^r 11th 1746 Errors Excepted p Nich^o Hyland Agent for
Cecil County.

D^r the Province of Maryland

To my Assumption to Sundry persons their Claims against 17 Men belonging to Capt Jordans Com- pany	} 40.. 19.. 6

To D ^o against 4 Men belonging to Capt. Crofts Com- pany	} 10.. 8.. 0

51.. 7.. 6

L. H. J.
Liber No. 46

Per Contra Cr

By Cash received of the Commissioners of the Paper Currency office	}	£50.. 0.. 0
By cash received of Capt. Ennalls		
		1.. 7.. 6
		£51.. 7.. 6

11th Nov^r 1746 Errors Excepted p Abram Barnes Agent for
St Mary's

1746

p. 678 Dr Province of Maryland on Acc^t of the Intended Expedition against
Canada

To cash paid p Sundry Soldiers orders	£89..12.. 0	
To Ditto reserved in my hands for payment of John	}	5.. 0.. 0
Chapman Cred ^r of John Campbell		
To D ^o for John Biggs a Nic ^o Milen		0.. 8.. 0
To D ^o for Francis Parnham for a Serv ^t		5.. 0.. 0
		£100.. 0.. 0

By Currency rec ^d of the Comm ^{rs} of the Paper Mony Office	}	100.. 0.. 0
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Nov^r 11th 1746 Errors Excepted p R^d Harrison Agent for
Charles Co^{ty}

Dr the Province of Maryland

1746. To Mony paid Ten men in Capt. Crofts Com- pany as p Receipt at 5 th each	}	£50.. 0.. 0
--	---	-------------

Cr

1746 By Mony rec^d of the Comm^{rs} of the Loan office £50.. 0.. 0
Errors Excepted for Walter Smith Agent for Calvert Co^{ty}

Joseph Hall

Which Accounts were Severally Examined & Approved of by the
House

Col^o Hooper from the Committee appointed to Inspect the Re-
pository and the Several Record Books therein delivers to M^r Speaker
the following Report (Viz.)

By the Committee appointed to Inspect the Repository and the
several Record Books therein 11th Nov^r 1746

Your Committee having Viewed the Repository and Inspected
the Several Record Books therein Do Find the brick work and Tiling
over head want some Repair and that the Several Record Books in
the said Repository appear to be in tolerable good Order not having
received any Damage from the Dampness of the Place

All which is humbly Submitted to the Consideration of the House
Signed p order Th^s Jenings Clk. Com.

Col^o Lee from the Upper House delivers to M^r Speaker the following Message (See page 431)

L. H. J.
Liber No. 46
p. 679

And the Bill Entituled an Act for issuing and paying out of the Office of the Comm^{rs} or Trustees for Emitting Bills of Credit established by Act of Assembly the Sum of Nine hundred pounds Current Mony in Bills of Credit as also for the payment of Two hundred pounds Sterling Mony for purchasing provisions for his Majestys Forces raised in this Province and other purposes and for Continuing part of an Act therein mentioned Indorsed (See page 431)

Which Bill was here Read and passed for Ingrossing

The House Adjourned untill the Morrow Morning at 9 a-clock

Wednesday Morning Nov^r 12th 1746

November 12
p. 680

The house met according to Adjournment &c^a the Proceedings of Yesterday were Read. M^r Nicholas Goldsborough appeared in the house. the following Message (See page 432) Was sent to the Upper house by Mess^{rs} Lloyd & Wilkinson

An Ingrossed Bill Entituled an Act for issuing and paying out of the office of the Comm^{rs} or Trustees for Emitting Bills of Credit established by Act of Assembly the sum of Nine hundred pounds Current Mony in Bills of Credit as also for the Payment of Two hundred pounds Sterling Mony for purchasing provisions for his Majesty's Forces raised in this province and for Continuing part of an Act therein mentioned Was Read and Assented to and Sent to the Upper house with the Paper Bill by M^r Joseph Hall & M^r Dulany.

It being Moved to the House that Paper and parchment are Wanting for the use of the Publick

Ordered that a Message be prepared and Sent to the Upper house relating thereto the following Message. (See page 434)

Was sent by Mess^{rs} Sheredine & John Gresham to the Upper house p. 681

The Iournal of Accounts was Read and Assented to and Sent to the Upper house by M^r Worthington and the rest of the Gentlemen of the Committee of Accounts

The house Adjourned untill 2 of the Clock

Post Merediem

The house met according to Adjournment

Col^o Lloyd from the Upper house delivers to M^r Speaker the following Message (See page 434)

Daniel Dulany Esq^r from the Upper house delivers to M^r Speaker the Iournal of Accounts and the following Message (See page 434)

the Petitions of M^r Joseph Hall and M^r Patrick Creagh Referred to the Consideration of the next Assembly p. 682

L. H. J.
Liber No. 46 Samuel Chamberlaine Esq^r from the upper house delivers to M^r Speaker the paper bill Entituled an Act for issuing and paying out of the Office of the Commissioners or Trustees for Emitting Bills of Credit established by Act of Assembly the sum of Nine hundred pounds in Bills of Credit &c^a Indorsed (See page 432)

Mess^{rs} Key & Pearce were Sent to Acquaint his Excellency the Gov^r that no publick business is now before the house to Transact

Col^o Hammond and Samuel Chamberlaine Esq^r from the upper house Acquaint M^r Speaker that the Governour requires the Attendance of the Lower house of Assembly

M^r Speaker left the Chair & with the rest of the Members of the Lower house went to the Upper house where his Excellency Passed the Ingrossed Bill Entituled

p. 683 An Act for issuing and paying out of the office of the Commissioners or Trustees for Emitting Bills of Credit established by Act of Assembly the Sum of Nine hundred pounds Current Mony in Bills of Credit as also for the payment of Two hundred pounds Sterling Mony for purchasing provisions for his Majesty's Forces raised in this Province and for Continuing part of an Act therein mentioned into a Law by Sealing it with the Right Hon^{ble} the Lord Proprietary his great Seal at Arms and Indorsing it thus

On behalf of the Lord Proprietary of this Province I will this be a Law
T Bladen

his Excellency made the following Speech
Gentlemen of the Upper and Lower Houses of Assembly.

I cannot Part with you without Assuring you of my Satisfaction for the Readiness you have Shewed in making such a provision for the Subsistence of our Troops, as I hope will be sufficient for them at this Juncture

No other business being Urgent at present, I have thought fit with the Advice of his Lordships Council of State to Prorogue this Assembly to the last Tuesday in March next and you are to Take Notice you are prorogued to that Day accordingly.

So Endeth this Second Session of Assembly this Twelfth Day of November in the Thirty second year of the Dominion of the right Hon^{ble} Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c^a and in the Year of our Lord 1746

Test M Macnemara Ct. lo. Ho.

ACTS.

At a Session of Assembly begun and held at the City of Annapolis the Sixth Day of November in the Thirty second year of the Dominion of the Right Honourable Charles Absolute Lord and Proprietary of the Province of Maryland and Avalon Lord Baron of Baltimore &c. Anno Domini 1746 And ending the twelfth Day of the same Month

Acts of 1746
Chapter X
Liber
B. L. C.
p. 353

The following Law was Enacted and Assented to by his Excellency Thomas Bladen Esquire Governour

An Act for issuing and Paying out of the Office of the Commissioners or Trustees for Emitting Bills of Credit Established by Act of Assembly the sum of nine Hundred Pounds Current money in Bills of Credit As also for the payment of Two Hundred pounds Sterling money for purchasing Provisions for his Majesty's Forces raised in this Province and other purposes and for Continuing part of an Act therein mentioned.

Whereas at a Session of Assembly begun and held at the City of Annapolis the Seventeenth Day of June Anno Domini One Thousand Seven Hundred forty and Six An Act did pass Entituled An Act for issuing & taking out of the Office of the Commissioners or Trustees appointed for Emitting Bills of Credit Established by Act of Assembly the sum of Four Thousand five hundred Pounds Current money for encouragement of such able Bodied Freemen as shall Voluntarily Enlist themselves into his Majestys Service for the intended expedition against Canada & for maintaining and Conveying them to the Place of Rendezvous as also for replacing of the said sum and for the better Regulating Ordinaries and Ordinary keepers and for other purposes therein mentioned In Consequence whereof the Number of three Hundred men were raised within this Province and with their Officers sent to Albany in the Province of New York agreeable to his Majesty's Expectation Expressed in his Grace the Duke of New Castles Letter to his Excellency the Governour of this Province dated at Whitehall April the Ninth Seventeen Hundred forty and Six And Whereas by the said Letter the Officers were to receive Pay from the time of their Engaging in his Majesty's Service and the Soldiers from the Respective days of Enlisting and which Pay it was Humbly Conceived would Subsist them in Necessary Provisions after their Arrival at the Place of Rendezvous But in as much as it is now represented to this General Assembly that the said Forces are in great Distress for want of Provisions We his Majesty's

Liber most Loyal and Dutifull Subjects the Delegates of the Freemen of
 B. L. C. Maryland further to manifest our Duty and Zeal for his Majesty's
 Service and to the Utmost of our Power to Promote the intended
 Expedition to Canada against the Common Enemy and for the Pres-
 ent Support and maintainance of the said Forces so raised within
 this Province do Humbly Pray that it may be Enacted And be it
 Enacted by the Right Honourable the Lord Proprietary by & with
 the Advice and Consent of his Lordships Governour and the Upper
 and Lower Houses of Assembly & the Authority of the same That
 the sum of Nine hundred Pounds Current money in Bills of Credit
 of this Province out of the money remaining in the Office of the
 Commissioners or Trustees for Emitting Bills of Credit Established
 by Act of Assembly shall be and is hereby Appropriated and Applied
 to the Uses and Purposes herein after Directed and the Commission-
 ers or Trustees of the said Office are hereby impowered and directed
 to pay the same in manner and form and to the Persons herein after
 mentioned That is to say Immediately after the end of this Session
 of Assembly the said sum of Nine hundred pounds out of any money
 or Bills of Credit remaining in the said Office except such money or
 Bills of Credit as hath heretofore been or which shall be paid into
 the said Office in Virtue of An Act of Assembly heretofore made
 Entituled An Act for raising and issuing money for maintaining
 his Majestys Forces to be raised in this Province and for Transport-
 ing them to the Place of Rendezvous in the West Indies and the said
 Commissioners or Trustees shall also Pay the sum of Two hundred
 Pounds Eight Shillings and four pence Current money being the
 Ballance remaining in the Office unapplied of the sum of Three
 Thousand pounds Granted by Virtue of the before first mentioned
 Act for Providing Necessaries for and Transporting his Majesty's
 Forces raised within this Province to Albany in the Province of
 New York unto Colonel John Scarborough Captain Thomas Robins
 and Master Isaac Morris or any two of them who are hereby Em-
 powered and Directed to receive the said Two sums amounting in
 the whole to Eleven Hundred Pounds Eight Shillings and four pence
 and to sign Receipts to or give Orders on the said Commissioners
 or Trustees for the same from time to time as they shall see needfull
 And be it further Enacted That they the said Colonel John Scar-
 borough Captain Thomas Robins and Master Isaac Morris be and
 are hereby Constituted Agents for this Province to Receive the
 p. 354 s^d Money or Bill of Credit and are hereby Authorized and Directed
 to Lay out and Apply the sum of One thousand Pounds Eight
 Shillings and four pence part thereof in the Purchase of Good Mer-
 chantable Barrellled Pork and Beef and Payment of Freight for the
 same and other Incident Charges which Pork and Beef when by
 them so Purchased they are hereby directed to ship on Board some
 good Vessel or Vessels together with Thirty eight Barrels of Pork
 now remaining in the hands of Benjamin Tasker Esq^r Colonel

Robert King and Doctor Charles Carrol former Agents for Providing for and Transporting his Majesty's Forces to Albany in the Province of New York Consigned to Stephen Bayard Esquire Merchant in New York for the use maintainance & support of his Majesty's Forces the Soldiers raised within this Province and now in the Province of New York aforesaid and take Three Bills of Loading for the same two of which Bills of Loading to be by them the said Agents transmitted to the said Stephen Bayard at the same time they also acquainting the Captains of the said Company's thereof and of other the Provision made by Virtue of the Act for the said Soldiers And be it likewise Enacted by the Authority aforesaid that Colonel Charles Hammond Treasurer of the Western Shore in this Province shall and is hereby directed and Impowered to draw a Sett of Bills of Exchange for the sum of Two hundred Pounds Sterling on Master William Hunt Merchant in London payable to Colonel John Scarborough Captain Thomas Robins & Master Isaac Morris or any two of them or their Order Agents aforesaid out of the money in his hands Arising on the Duty of Twenty shillings Sterling per head on Irish Servants being Papists and Negroes Imported into this Province formerly remitted to him by Colonel Samuel Young late Treasurer of the Western Shore of the Province of Maryland and the said Charles Hammond Esquire is hereby required to Advise the said William Hunt by several opportunities of the Draft aforesaid and they the said Agents or any two of them are hereby Impowered and directed to Endorse the said Bills of Exchange and to transmitt them to the said Stephen Bayard with Instructions to him to dispose of and Lay out the same in bread for the Use of the Soldiers aforesaid And be it likewise Enacted by the Authority aforesaid that they the said Agents or any two of them shall and they are hereby directed and Impowered to pay out of the Bills of Credit so by them received of the Commissioners or Trustees aforesaid unto the Honourable Benjamin Tasker Esquire Colonel Robert King and Doctor Charles Carrol the former Agents for their Care, pains, and Trouble in Providing necessaries for and Transporting the said Officers and Soldiers to Albany in the Province of New York the sum of One Hundred pounds Current money And they the said Colonel John Scarborough Captain Thomas Robins and Master Isaac Morris Agents herein Appointed are hereby Impowered to retain to their own Use out of the said Bills of Credit or moneys by them to be received of the Trustees aforesaid the sum of Five pounds per Centum on the payments and Disbursements which in Virtue of this Act they are directed to make for and in Consideration of their pains Care and Labour therein and they the said Agents are hereby further Authorized and Directed to Agree with any Owner or Owners of Vessels for Transporting the Provisions a^d and to pay the Freight for the same and an Account of their Proceedings herein to lay before the Next General Assembly of this

Liber
B. L. C.

Liber
B. L. C. Province which shall meet after perfecting the same And That the Credit of the said Office for Emitting Bills of Credit Established by Act of Assembly may be the better supported and for Repayment of the said Sum of Nine hundred pounds into the Office aforesaid Be it Enacted by the Authority Advice and Consent aforesaid That such and so much of the before mentioned Act of Assembly Entituled an Act for Issuing and taking out of the Office of the Commissioners or Trustees appointed for Emitting Bills of Credit Established by Act of Assembly the sum of Four thousand Five Hundred pounds Current money for Encouragement of such Able Bodied Freemen as shall Voluntarily Enlist themselves into his Majesty's Service for the intended Expedition against Canada and for maintaining and Conveying them to the Place of Rendezvous as also for replacing of the said Sum and for the better regulating Ordinaries and Ordinary keepers and for other purposes therein mentioned so far as relates to the Regulating of Ordinaries, Ordinary keepers Granting Ordinary Licences with the several Clauses matters and things therein mentioned Concerning the same shall from and after the payment of the sum of Four Thousand five hundred Pounds Current money therein directed to be paid into the said Office be remain and Continue in full Force and Virtue for & during and untill such time as the af^d sum of Nine Hundred Pounds now taken out of the same Office to the Uses of this Act shall be fulled Completed & paid into the said Office unto the Commissioners or Trustees af^d for the time being and to the end of the Next Session of Assembly which shall happen after such Completion and Payment And be it further Enacted That the Commissioners or Trustees of the Office aforesaid for the time being shall and they are hereby Impowered and Directed to receive all moneys arising or which shall arise by Virtue of the said Act hereby Continued and when so received to place the same to the Credit of an Account to be by them Stated and kept to the Uses and purposes of the Act in which Account the said Commissioners or Trustees for the time being shall Charge Debtor the Payments hereby directed to be made to and for the Uses of the Act and that in Case during the Continuance of the Last recited Act any more money shall be raised or paid to the Commissioners or Trustees aforesaid in Virtue thereof than the said sum of Nine Hundred Pounds that the Surplus or remainder shall be and is hereby directed to be appropriated and applied towards Discharge of the Publick Expences of this Province as the General Assembly thereof for the time being shall direct and Appoint

p. 355

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY OF MARYLAND

*At a Session Held at Annapolis, May 16–July 11, 1747,
Being the Third Session of the Assembly Elected in 1745.*

CHARLES CALVERT, LORD BALTIMORE,
Lord Proprietary.

SAMUEL OGLE,
Governor.

PROCEEDINGS

THE UPPER HOUSE OF ASSEMBLY.

At a Session of Assembly begun and held at the City of Annapolis on Saturday the 16th Day of May in the 32^d of his Lordships Dominion Anno Domini 1747

U. H. J.
Liber No. 34
1747
May 16
p. 156

Present

His Excellency Samuel Ogle Esq^r Governor

The Honourable	{	Benjamin Tasker Esq ^r	{	Daniel Dulany Esq ^r
		Col. George Plater		Col. Edward Loyd
		Edmund Jennings Esq ^r		Benjamin Young Esq ^r
		Col James Hollyday		Col. Benjamin Tasker
		Col Charles Hammond		Richard Lee Esq ^r
		Philip Thomas Esq ^r		

Mess^{rs} Thomas and Harris from the Lower House acquaint his Excellency that there is a Sufficient Number of Members met to make a house and wait for his Excellencys Commands

Col Tasker and Richard Lee Esq^r are sent to acquaint the Lower House that his Excellency requires the Speaker and the House to Attend him in the Upper house

The Speaker and the Lower House Attended and his Excellency is pleased to make the following Speech

U. H. J. Gentlemen of the Upper and Lower Houses of Assembly
 Liber No. 34

I took this Opportunity of meeting you in Assembly according to Your Prorogation, as I thought it would not only be agreeable to Your Selves, but to the Satisfaction of the People of Maryland in General, to have the Assistance of the Legislature at this time when our Staple of Tobacco and Consequently every other Branch of Our Trade is in so very Low and Languishing a Condition.

And I have the Greater Hopes, that something may be done for the Publick Good, as Our Neighbours of Virginia have shewn Us very Plainly, that Tobacco may be made a very Valuable Commodity, and as their Inspection Law has now Stood a Tryal of many Years, and been improved from time to time, to the General Satisfaction of all Parties It may perhaps be more Prudent in Us, to follow their Example, in what has been Already Tryd, and found by Experience to succeed, than to go upon any uncertain Experiments of Our Own however Promising they may appear, especially as Our former Laws, for Limiting the number of Plants, and burning our Trash. Proved so very ineffectual for the Purpose intended.

But whatever Method you may think Proper to Proceed in you
 p. 157 may be assured of my Readiness to do everything in my Power to help you to Overcome all Difficulties in this or in anything Else that may be Proposed for the Happiness & Prosperity of the Province

And I flatter myself you are met together with the same good Disposition on Your Part and that you will readily and Chearfully give all the Assistance to the Government that can be Reasonably Expected of you, in such things as the Duty of my Station will always Oblige me to Recommend to you, in a Particular manner, the Principal of which is a Provision of Armes and Ammunition for the Defence of the Province and I hope you will think it the more necessary at this Time of real and imminent Danger, as the Legislature found themselves Obligated to Distribute so great a Part of the Armes that had been Provided for Ourselves to the forces that were raised here for his Majestys Service and the Impossibility of Providing them anywhere but Out of our Own Magazine shews how Dangerous it might be to us to have them to Look for upon any Sudden Emergency.

If anything further Occurs to me during the Course of Your Proceedings I shall Communicate it to you in the mean Time you may be assured that no man in the Province is more sincerely inclined to Promote the Prosperity of it than myself, and that I will make it my constant Rule never to Propose anything to you as Governor that I shall not think for the Good of the Country as a Planter

Adjourned till Monday Morning Ten of the Clock.

Monday 18 May 1747

U. H. J.
Liber No. 34
May 18

This House met again according to Adjournment

Present as on Saturday Except Philip Thomas Esq^{re}

Benjamin Tasker Esq^r attended by the Members of this House presents to his Excellency the Address of this House which follows in these words.

To His Excellency Samuel Ogle Esq^r Governor and Commander in Chief in and Over the Province of Maryland

The humble Address of the Upper house of Assembly
May it please Your Excellency

We Return Your Excellency Our most hearty thanks for Your affectionate and Obliging Speech at the opening of this Session and we embrace this Opertunity to Congratulate you on Your Return to the Government of this Province and Your Own and Family Safe Arrived in it. Your Excellency has shewn your Great Regard for the Country, in Recommending to Our Consideration the Deplorable Condition It is Reduced to by the Low Price our Staple Tobacco now bears, and in Pointing Out to us a Method, whereby it may be Certainly Amended p. 158

We are convinced that the most rational way of improving and Securing any Export is by keeping up the Credit of the Commodity at the Place it is Exported to and that if we Can Effectually prevent our Trash Tobacco being Sent to Market, Our Rivals will cease to have any Advantage Over Us, & therefore we will Exert our Utmost Endeavours to Attain that end

We cannot think any of those ways which by Experience we have already found to be ineffectual will now answer better than they have done heretofore; and the Success which the Virginians have had by their Inspection Law shews Us very Plainly that Tobacco may be made a very Valuable Commodity, and Marks out to Us the Method of doing it which Method is Plain and easy in the Execution

We are met together with a Thorough Resolution to do everything in Our power to promote the General Happyness and Security and shall most Chearfully Contribute on our parts, towards Providing Armes and Ammunition, which in this time of real and imminent Danger must appear to everybody to be more than Ordinarily Necessary for the Defence of this Province

Nothing could be more agreeable to Us, than the assurances you have been pleased to give us of Your Readyness to do everything in your Power, to overcome all Difficultys to anything that may be proposed for the Happiness and Prosperity of the Province, and of Your being sincerely inclined to Promote its Interest; and as we are Convinced that you have Communicated to us, the real Sentiments of Your heart; and Promised no more than what you are Deter-

U. H. J. mined to Perform so we flatter Ourselves that Maryland will receive
 Liber No. 34 Solid and lasting Advantages from Your Administration. Benj^a
 Tasker President

Adjourned till to Morrow Morning ten of the Clk.

May 19

Tuesday Morning 19 May 1747

This House met again according to adjournment

Present as yesterday

Adjourned till 3 of the Clock in the afternoon.

Eodem Die post Meridiem

This House met again according to adjournment

Present as in the morning with the addition of Samuel Chamberlain and Philip Thomas Esq^{rs}

p. 159 His Excellency is pleased to Communicate his Answer to the Address of this House which answer follows in these words.

Gentlemen of the Upper house of Assembly

I Return you my hearty thanks for Your kind and affectionate Address, and nothing gives me more pleasure at this time than the Certain knowledge I have of the Sincerity of Your Professions, in everything that Relates to the welfare of the Province and you may Depend upon my heartily concurring with you, in every Measure that may help to Establish Our Trade and Prosperity upon the Most Sure & lasting foundation

Sam: Ogle

Read the Petitions of several the Inhabitants of Ann Arundel, Prince Georges, Saint Marys and Charles Counties Praying that a Bill may be brought in to Amend the Staple of Tobacco in such manner as the Legislature should think Proper. Referred to the Consideration of the Lower House of Assembly, Sent by Richard Lee Esq^r

Adjourned till to Morrow Morning two of the Clock

May 20

Wednesday Morning 20 May 1747

This House met again according to adjournment

Present as yesterday.

Read the Petition of Several the Inhabitants of Kent County Praying that a Bill may Be brought to amend the Staple of Tobacco in such manner by Inspection Law as the Legislature should think Proper Referred to the Consideration of the Lower House of Assembly and Sent by Col. Tasker.

A Message from the Lower House by Mess^{rs} Sheredine and Henry, By the Lower House of Assembly, 20 May 1747. U. H. J.
Liber No. 34

May it please Your Honours This House hath appointed M^r Sheredine Col John Henry M^r John Stoddert M^r Edward Tilghman and M^r Abraham Barnes to joine any One More that your House shall appoint into a Committee to inspect the Office and Proceedings of the Commissioners or Trustees for Emitting Bills of Credit Established by Act of Assembly

Signed p Order M Macnemara Cl. Lo. Ho.

Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

The following Message is sent by Samuel Chamberlain Esq^r p. 160

By the Upper house of Assembly 20 May 1747

Gentlemen This House hath appointed Samuel Chamberlain Esq^r to joyn the Members named by Your House in a Committee to inspect the Accounts & Proceedings of the Commissioners of the Paper Currency Office

Signed p Order John Ross Cl Up H.

Adjourned till to Morrow Morning ten Clock

Thursday Morning 21 May 1747

May 21

This house met again according to adjournment

Present as Yesterday Except Col Tasker

Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Read the Petition of James Richard of Baltimore County Merchant Praying Leave to bring in a Bill for his Natralization Referred to the Consideration of the Lower house of Assembly and sent by Col Lloyd

Adjourned till to Morrow Morning ten of the Clock

Friday Morning 22^d May 1747

May 22

This house met according to Adjournment

Present as Yesterday

Adjourned till three of the Clock in the Afternoon

U. H. J.
Liber No. 34

Eodem Die post Meridiem

This house met again according to adjournment

Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

May 23

Saturday Morning 23^d May 1747

This House met again according to Adjournment

Present as Yesterday Except Philip Thomas Esq^r

p. 161 Read the Petition of Several the Inhabitants of Kent County Praying that a Bill may be brought in to amend the Staple of Tobacco by an Inspection Law in such Manner as the Legislature should think Proper, Referred to the Consideration of the Lower house of Assembly and Sent by Richard Lee Esq^r

Read the Pétition of Several Inhabitants of Dorchester County Praying that a Bill may be brought in to amend the Staple of Tobacco by an Inspection Law in such manner as the Legislature should think Proper, Referred to the Consideration of the Lower house of Assembly and Sent by Samuel Chamberlain Esq^r

Adjourned till Monday Morning ten of the Clock

May 25

Monday 25th May 1747

This House met according to adjournment

Present

The Honourable	{	Benjamin Tasker Esq ^r	{	Philip Thomas Esq ^r
		Col. George Plater		Daniel Dulany Esq ^r
		Edmund Jenings Esq ^r		Benjamin Young Esq ^r
		Col James Hollyday		Col. Benjamin Tasker
		Col Charles Hammond		Richard Lee Esq ^r
		Samuel Chamberlain Esq ^r		

Adjourned till to Morrow Morning ten of the Clock

May 26

Tuesday Morning 26th May 1747

This house met again according to Adjournment

Present as Yesterday

Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

Wednesday Morning 27 May 1747

This House met again according to Adjournment

U. H. J.
Liber No. 34
May 27

Present as Yesterday

Adjourned till three of the Clock in the afternoon

p. 162

Eodem Die post Meridiem

This House met again according to Adjournment

Present as in the Morning with the addition of Col Loyd

A Bill from the Lower house by Mess^{rs} Dashiell and Barnes Entitled an Act for the Tryal of all Matters of fact in the Several Counties where they have arisen or shall Arise thus Entered

By the Lower house of Assembly 22^d May 1747

Read the first time and Ordered to lay on the Table

Signed ꝑ Order M. Macnemara Cl. Lo. H.

By the Lower House of Assembly 27 May 1747

Read the Second time and will Pass

Signed ꝑ Order M. Macnemara Cl. Lo. H.

A Bill from the Lower House by Mess^{rs} Wootton and Bayard Entitled an Act for issuing Writts of Replevin out of the County Courts of this Province, thus Endorsed

By the Lower house of Assembly 21 May 1747

Read the first time and Ordered to lay on the Table

Signed ꝑ Order M. Macnemara Cl. Lo. H.

By the Lower House of Assembly 27 May 1747

Read the second time and will Pass

Signed ꝑ Order M. Macnemara Cl. Lo. H.

Read the first time in this House and Ordered to Lay on the Table

Adjourned till the Morrow Morning ten of the Clock

Thursday Morning 28 May 1747

May 28

This House met according to Adjournment

Present as Yesterday Except Philip Thomas & Richard Lee Esq^{rs}

A Bill from the Lower House by Mess^{rs} Dulany and Mills Entitled an Act to Remedy some Defects in an Indenture of Bargain and Sale made and Executed by Michael Courtes and Sara his Wife late of Saint Marys County Deceased to Charles Carroll Esq^r late of the City of Annapolis Deceased thus Endorsed

By the Lower House of Assembly 23 May 1747

Read the first time and Ordered to lay on the Table

Signed ꝑ Order M. Macnemara Cl. Lo. H.

p. 163

U. H. J.
Liber No. 34

By the Lower House of Assembly 28 May 1747

Read the second time and will Pass.

Signed 7 Order M Macnemara Ct Lo H.

Read the first time in this House and Ordered to lay on the Table

Read the Representations of the Justices of Charles County Court Praying a Bill may be brought in to Aid some Inconveniences Occasioned by some of the Records being burnt in the Dwelling house of the Clerk of the said County; Referred to the Consideration of the Lower House of Assembly and Sent by Cot. Tasker.

Read the Petition of the Rector Church Wardens and Vestrymen of Saint Margarets Westminster Parish in Ann Arundel County Praying that a Bill may be brought in to invest the Parish with a Right of Two Acres of Land whereupon the Chappel of Ease is now built Referred to the Consideration of the Lower house and sent by Cot Tasker.

Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

May 29

Friday Morning 29 May 1747.

This house met again according to Adjournment

Present as Yesterday

Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This house met again according to adjournment

p. 164

Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

Saturday Morning 30 May 1747

This house met again according to Adjournment

Present as Yesterday

Read the Petitions of Several the Inhabitants of Cecil County praying leave to Bring in a Bill to Build a New Court house at Charles Town in the said County; Read the Petition of Several the Inhabitants of Cecil County praying leave to bring in a Bill to Build a New Court house at or near the Place where the Old Court house

stands Referred to the Consideration of the Lower house of Assembly & sent by Col Hollyday. U. H. J.
Liber No. 34

Read the Petition of Several the Back Inhabitants of Prince Georges County Praying a Bill may be brought in to Devide the said County Begining at the Mouth Great Senecar and Running thence with the Lower Part of All Saints Parish, Read the Petition of Several the Back Inhabitants of Prince Georges County Praying that a Bill may be brought in to Divid the said County from Kenneday Farrels and to fix the Court house at Frederick Town Referred to the Consideration of the Lower house of Assembly and sent by Daniel Dulany Esq^{rs}

Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This house met according to Adjournment

Adjourned till Monday Morning ten of the Clock

Monday Morning 1st June 1747.

June 1

This house met again according to adjournment

Present

The Honourable	{	Benjamin Tasker Esq ^r	}	Col Edward Loyd
		Edmund Jenings Esq ^r		Philip Thomas Esq ^r
		Col James Hollyday		Daniel Dulany Esq ^r
		Col Charles Hammond		Benjamin Young Esq ^r
		Samuel Chamberlain Esq ^r		Col. Benjamin Tasker

Adjourned till 3 of the Clock in the Afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

Tuesday Morning 2 June 1747

June 2
p. 165

This house met again according to Adjournment

Present as Yesterday except Samuel Chamberlain Esq^r
Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning with the Addition of Col Plater
Adjourned till to Morrow Morning ten of the Clock

U. H. J.
Liber No. 34
June 3

Wednesday Morning 3 June 1747

This house met again according to Adjournment

Present as Yesterday with the Addition of Richard Lee Esq^{re}
Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning
Adjourned till to Morrow Morning ten of the Clock

June 4

Thursday Morning 4 June 1747

This house met again according to Adjournment

Present as Yesterday Except Phillip Thomas Esq^{re}

Read the Petition of Patrick Creagh praying that an Allowance may be made him for the Ballance of his Account due for Services done, and for Bricks and Limes and other Materials Delivered for the Use of the house intended for a Governor; Referred to the Consideration of the Lower house of Assembly, and Sent by Col Hammond.

Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning
Adjourned till to Morrow Morning ten of the Clock

June 5

Friday Morning the 5 June 1747

This house met again according to Adjournment

Present as Yesterday Except Col Loyd

p. 166

Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning
Adjourned till to Morrow Morning ten of the Clock

Saturday Morning 6 June 1747

This house met again according to adjournment

U. H. J.
Liber No. 34
June 6

Present as Yesterday Except Col Tasker

Mess^{rs} King and Dashiell attended from the Lower house with M^r Isaac Handy a member Elected from Somerset County in the Room of M^r John Dennis who since his Election hath Accepted of the Office of Sheriff of the said County, in order to see him Qualified who takes the several Oaths to the Government Required by Law; Repeats and Subscribes the Abjuration and Test & then withdrew

Adjourned till Mondy Morning ten of the Clock

Monday Morning 8 June 1747

June 8

This house met again according to Adjournment

Present

The Honourable	{	Benjamin Tasker Esq ^r	}	Col. Charles Hammond
		Col ^l George Plater		Sam ^l Chamberlain Esq ^r
		Edmund Jenings Esq ^r		Daniel Dulany Esq ^r
		Col ^l James Hollyday		Richard Lee Esq ^r

Adjourned till to Morrow Morning ten of the Clock

Tuesday Morning 9 June 1747

June 9

This house met again according to Adjournment

Present as Yesterday

Read the Petition of George Plater Esq^r and Elizabeth Calvert an Infant by Onorio Razolini her next friend praying that a Bill may be brought in to enable the said Onorio Razolini to Convey to the said George Plater and his heirs such Part of the Lands of M^r Samuel Hyde Merchant in London as are herein mentioned.

Read the Petition of Thomas Hussey Luckett & Jeremia^h Adderton and Ann his wife of Charles County praying leave to Bring in a Bill to Cut off the Entail of Part of a Tract of Land called Saint Patricks hill Containing two hundred acres and to Settle a Tract of Land Called Waidstone & part Waidstones Enlargement in Lieu thereof

Read the Petition of the Vestrymen and Church Wardens of all Saints Parish in the Back Parts of Prince Georges County Praying that the sum of Two hundred Pounds Currency may be Levied on the Taxable Inhabitants of the said Parish for Building a Church and the Sum of One hundred Pounds Currency for Building Two Chaples of Ease in the said Parish.

U. H. J. Read the Petition of the Magistrates and others the Inhabitants
 Liber No. 34 of St. Marys County praying that a Bill may be brought in to Turn
 the School house of the said County into a Worke house and that the
 same may be applied to the Use of the County

Read the Petition of the Rector Vestrymen and Church Wardens
 of S^t Ann's Parish in Ann Arundel County Praying leave to bring
 in a Bill to enable them & their Successors to lease the Lotts belong-
 ing to the said Parish in the City of Annapolis for 61 years and from
 the End of that Term to Grant new Leases for 21 years or three
 levies; the before mentioned Petitioners are Referred to the Con-
 sideration of the Lower house and Sent by Samuel Chamberlain Esq^r

Note
 [Levies
 should read
 lives]

Read the Petition of James Freeman of Charles County Innholder
 praying all allowance may be made him for the Victuals and Drink
 found some of the Soldiers Raised for the Expedition against Canada
 at the Request of Captain John Jordon during their Stay at Porto-
 bacco Town Rejected

Adjourned till three of the Clock in the afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning.

Adjourned till to Morow Morning ten of the Clock.

June 10

Wednesday Morning 10 June 1747

This house met again according to Adjournment

Present as Yesterday

A Bill from the Lower house by Mess^{rs} Addison and Bond Enti-
 tuled an Act to Divide Prince Georges and to Erect a new one By
 the name of Frederick County thus Endorsed

By the Lower house of Assembly 22^d May 1747

p. 168

Read the first Time and ordered to Lye on the Table

Signed p Order M Macnemara Ct Lo. H.

By the Lower house of Assembly 10 June 1747

Read the second Time and will pass

Signed p Order M Macnemara Ct Lo Ho.

Read the first time in this house and ordered to Lye on the Table
 Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning with the Addition of Phillip Thomas
 Esq^r

A Message from the Lower house by Dr Carrol and Buchanan.

U. H. J.
Liber No. 34

By the Lower house of Assembly 10 June 1747

May it Please Your honours Paper and Ink is wanting for the Publick Use immediately and as there is a Ballance in the hands of the Treasurer of the Western Shoar of this Province due to the Publick and that the Publick Business may not be retained We propose that an order on the said Treasurer may be Drawn by the Clerk of this house payable to Doctor Charles Carrol and Doctor George Buchanan for the Sum of Ten Pounds Current Money to be laid out in the Best manner for the purpose af^d with such if Your house Concures an Order will be Drawn accordingly

Signed p Order M. Macnemara Cl. Lo. Ho.

The following Message is sent by Edmund Jenings Esq^{re}

By the Upper house of Assembly 10 June 1747

Gentlemen In Answer to Your Message by Doctor Carrol and Doctor Buchanan for the Concurrence of this house to the application of Ten Pounds Currency to Purchase Paper and Ink for the Publick Use We acquaint you, that the Governor whose Concurrence is Necessary for the application of Publick Money is not in Town Yet as the application of the sum mentioned in Your Message is but small and seems to be necessary to the Dispatch of the Publick Business. We Concuere with you for this Time in having the order you mention Drawn & the Money Applied as you desire

Signed p Order John Ross Cl Up Ho.

Adjourned till to Morrow Morning ten of the Clock.

Thursday Morning 11 June 1747

June 11

This house met again according to Adjournment

Present as Yesterday

Read the Petition of John Hussey of Prince Georges County Praying leave to bring in a Bill to record a Deed of Bargain and Sale from John Aubrey of Virginia to him the said John Hussey for a Tract of Land Containing 30 Acres called Yates addition Rejected; it not appearing to this house that the Parties Interested in the said Land have had Notice of this application

Adjourned till three of the Clock in the afternoon

Eodem Die post Meridiem

This house met again according to adjournment

Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

U. H. J.
Liber No. 34
June 12

Friday Morning 12 June 1747.

This House met again according to adjournment

Present as Yesterday

Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning with The Addition of Benjamin Young Esq^{re}

Adjourned till to Morrow Morning ten of the Clock

June 13

Saturday Morning 13 June 1747

This House met according to Adjournment

Present as Yesterday Except Colonel Hammond

A Bill from the Lower house by Mess^{rs} Smalwood & Harrison Entitled an Act to Remedy some proceedings in the Court of Charles County and to prevent the Removal of Records from the Publick Offices, thus Endorsed

By the Lower house of Assembly 12 June 1747

Read the first time and ordered to Lye on the Table.

Signed p Order M Macnemara Cl Lo. H.

By the Lower house of Assembly 13 June 1747

Read the second time and will Pass

Signed p Order M. Macnemara Cl. Lo. H.

p. 170 Read the first Time in this house and ordered to Lye on the Table

Read the Petition of William Barney of Baltimore County Praying Leave to bring in a Bill impowering the Clerk of Baltimore County to Record a Deed Executed Anno 1717 between Morgan Murray and Mary Stevenson for Part of a Tract of Land Containing 150 Acres called Morgans Delight, Referred to the Consideration of the Lower house of Assembly, and Sent by Phillip Thomas Esq^{re}

Adjourned till Monday Morning ten of the Clock

June 15

Monday Morning the 15 June 1747

This house met according to adjournment

Present

The Honourable	{	Benjamin Tasker Esq ^r	}	Phillip Thomas Esq ^{re}
		Col George Plater		Daniel Dulany Esq ^{re}
		Col James Hollyday		Benjamin Young Esq ^r
		Col Charles Hammond		Richard Lee, Esquire
		Samuel Chamberlain Esq ^{re}		

Adjourned till 3 of the Clock in the Afternoon

Eodem Die post Meridiem

U. H. J.
Liber No. 34

This house met again according to Adjournment

Present as in the morning with the Addition of Edmund Jenings Esq^{re}

Adjourned till to Morrow Morning ten of the Clock

Tuesday Morning 16 June 1747

June 16

This house met again according to Adjournment

Present as Yesterday

Read the Petition of Several People called Quakers Praying that a Bill may be brought in to restrain all Persons Except licensed Ordinary keepers from keeping any Booths or selling any Strong Liquors within four Miles of the Place where the Yearly Meetings are kept in Ann Arundel and Talbot Counties and to prevent the Tumultuoris meeting of Negroes and other Slaves: Referred to the Consideration of the Lower house of Assembly and Sent By Col Plater

Read the Petition of Several Inhabitants of Baltimore Town in Baltimore County Praying that a Bill may be brought in to Adjoyn Eighteen Acres of Land or thereabouts to the said Town; and that p. 171 the same being Contiguous may be hereafter Deemed a part of the said Town Referred to the Consideration of the Lower house of Assembly and Sent by Col Plater

Adjourned till 3 of the Clock in the Afternoon

Eodem Die post Meridiem

This house met again according to adjournment

Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

Wednesday Morning 17th June 1747

June 17

This house met again according to Adjournment

Present as Yesterday Except Colonel Loyd

Mess^{rs} King and Dashiell from the Lower house Attended with Major Robert Jenckins Henry a Member elected for Somerset County in the Room of M^r Stoughton, who having accepted of the Place of Deputy Naval Officer of Pocomoke his Election was by the Lower house of Assembly Declared Void, in order to see the said M^r Henry Qualified who takes the Several Oath to the Government required by Law, repeats and subscribs the Abjuration and Test and then withdrew.

Adjourned till three of the Clock in the afternoon

U. H. J.
Liber No. 34

Eodem Die post Meridiem

This house met again according to adjournment

Present as in the Morning

Adjourned till to Morrow Morning ten of the Clock

June 18

Thursday Morning 18 June 1747

This house met again according to adjournment

Present as yesterday

Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

p. 172 Read the Petition of Patrick Creagh and others Praying that an allowance may be made them for the days they were Stopt in Virginia and New York after the days agreed by their Charter Parties to Carry the forces in this Province to Albany, were Expired, Referred to the Consideration of the Lower house of Assembly and Sent by Co^t Loyd

A Bill from the Lower house by Mess^{rs} King and Handy Entitled an Act to Prohibit the raising of Swine and Geese in Princess Anne Town in Somerset County thus Endorsed.

By the Lower house of Assembly 18 June 1747

Read the first and second time by Especial Order and will Pass

Signed p Order M Macnemara Cl Lo H.

Read the first Time in this house and Ordered to Lye on the Table

A Bill from the Lower house by Mess^{rs} Buchanan and Paca Entitled an Act enabling and Requiring the Clerk of Baltimore County Court to Record a Deed of Bargain and Sale from Morgan Murray to Mary Stevenson & making Valid the same, thus Endorsed

By the Lower house of Assembly 16 June 1747

Read the first time and ordred to Lye on the Table

Signed p Order M Macnemara Cl. Lo. H

By the Lower house of Assembly 18 June 1747

Read the second time and will Pass.

Signed p Order M. Macnemara Cl Lo H.

Read the first time in this house and ordered to Lye on the Table

A Bill from the Lower house by Mess^{rs} Henry & Scraburgh Entitled A supplementary Act to the Act Entitled an Act for the Laying out the Town anew commonly called Snow Hill Town in Somerset County, thus Endorsed

By the Lower house of Assembly 15 June 1747
Read the first Time and ordered to Lye on the Table.

U. H. J.
Liber No. 34

Signed p Order M Macnemara Ct. Lo. H.

By the Lower house of Assembly 18 June 1747
Read the second time and will Pass

Signed p Order M Macnemara Ct. Lo. H.

Read the first time in this house and ordered to Lye on the Table
Adjourned till to Morrow Morning ten of the Clock

Friday Morning 19 June 1747

June 19
p. 173

This house met again according to adjournment

Present as Yesterday

Read the second Time the Bill Entituled an Act to Remedy some Defects in an Indenture of Bargain and Sale made and Executed by Michael Curtes and Sarah his Wife late of Saint Marys County Deceased to Charles Carrol Esq^r late of the City of Annapolis Deceased, Passed and Sent to the Lower house by Richard Lee Esq^{re}

The Journal of the Committee of Accounts is brought from the Lower House by M^r Worthington and others, thus Subscribed:
19 June 1747

Read and Assented to by the Lower house of Assembly

Signed p Order M. Macnemara Ct. Lo. H.

Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

A Bill from the Lower house by M^r Goldsborough and others Entituled an Act for amending the Staple of Tobacco for preventing frauds in his Majestys Customs and for the Limitation of Officers fees, thus Endorsed

By the Lower house of Assembly 13 June 1747

Read the first time and ordered to Lye on the Table

Signed p Order M Macnemara Ct Lo H.

By the Lower house of Assembly 18 June 1747

Read and Committed for amendments

Signed p Order M Macnemara Ct Lo H.

By the Lower house of Assembly 19 June 1747

Read the second Time and will pass

Signed p Order M Macnemara Ct. Lo. H.

Read the second time the Bill Entituled an Act to remedy Some Proceedings in the Court of Charles County and to prevent the

U. H. J. Removal of the Records from the Publick Offices Passed and sent
 Liber No. 34 to the Lower house by Samuel Chamberlain Esq^r
 Adjourned till to Morrow Morning ten of the Clock.

June 20

Saturday Morning 20 June 1747

This house met again according to Adjournment

Present as Yesterday Except Phillip Thomas Esq^{re}

A Bill from the Lower house by Mess^{rs} Goldsborough and Ennals
 Entituled an Act to Prohibit the raising of Swine and Geese in
 Oxford Town in Talbot County thus Endorsed

By the Lower house of Assembly 20 June 1747

p. 174 Read the first and Second Time by an Especial Order & will pass
 Signed p Order M. Macnemara Cl Lo H.

Read the first time in this house and Ordered to Lye on the Table

Read the second time the Bill Entituled an Act for laying out the
 Town a New commonly called Snow hill Town in Somerset County;
 and also the Bill Entituled an Act to Prohibit the raising of Swine
 and Geese, in Princess Ann Town in Somerset County Passed and
 Sent to the Lower house by Richard Lee Esq^{re}

Adjourned till Monday Morning 10 of the Clock

June 22

Monday Morning 22 June 1747

This house met again according to Adjournment

Present

The Honourable	{	Benjamin Tasker Esq ^r	Sam ^l Chamberlain Esq ^r
		Col George Plater	Col Edward Loyd
		Edmund Jenings Esq ^r	Daniel Dulany Esq ^r
		Col James Hollyday	Benjamin Young Esq ^r
		Col Charles Hammond	Richard Lee, Esquire

Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning with the Addition of Phillip Thomas
 Esq^r

Read the Second time the Bill Entituled an Act to Prohibit the
 Raising of Swine and Geese in Oxford Town in Talbot County;
 Passed and Sent by Richard Lee Esq^r

Read the first Time the Bill Entituled an Act for amending the
 Staple of Tobacco for preventing frauds in his Majestys Customs,

and for the Limitation of Officers fees, and Ordred to Lye on the Table. U. H. J.
Liber No. 34

A Bill from the Lower house by Mess^{rs} Harrison & Bond Entituled an Act to Cutt off the Entail of Two hundred Acres of Land Part of a Tract of Land called Saint Patricks hills Lying in Charles County, and to Invest Thomas Hussey Luckett with an Estate in fee simple in the said Land to Entail a Tract or Parcel of Land called Waidstones Enlargement and Part of a Tract of Land called Waidstone Lying in Charles County in Lieu thereof thus Endorsed.

By the Lower house of Assembly 22^d June 1747

Read the first and Second time by an Especial Order and will Pass
Signed p Order M Macnemara C^t Lo H.

Read the first Time in this house and Ordered to Lye on the Table.

An Engrossed Bill from the Lower house by Mess^{rs} Henry and Mills Entituled an Act to Remedy some Proceedings in the Court of Charles County and to prevent the Removal of Records from the Publick Offices thus Subscribed: 22^d June 1747 p. 175

Read and Assented to by the Lower house of Assembly

Signed p order M. Macnemara C^t. Lo. Ho.

Read and Assented to by this house & ordered to be Subscribed

An Engrossed Bill from the Lower house by Mess^{rs} Dulany and Mills Entituled an Act to Remedy some Defects in an Indenture of Bargain & Sale made and Executed by Michael Courtis and Sarah his Wife late of Saint Marys County Deceased to Charles Carrol Esq^r late of the City of Annapolis Deceased thus Subscribed: 22^d June 1747

Read and Assented to by the Lower house of Assembly

Signed p Order M Macnemara C^t Lo. H.

Read and Assented to by this house and Ordered to be Subscribed.

Adjourned till to Morrow Morning ten of the Clock

Tuesday Morning 23 June 1747

June 23

This house met again according to adjournment.

Present as Yesterday

Read the second time the Bill Entituled an Act Enabling and Requiring the Clerk of Baltimore County Court to Record a Deed of Bargain and Sale from Morgan Murray to Mary Stevenson and the making Valid the same and will Pass the following words being Added to the Bill Saving to his most Sacred Majesty his heirs and Successors to the Right Honourable the Lord Proprietary his heirs and Successors and to all Bodies Politick and Corporate and all others not mentioned in this Act their Several and Respective Rights, Sent to the Lower house by Cot Hammond.

U. H. J. A Bill from the Lower house by Mess^{rs} Wootton & Stoddert
 Liber No. 34 Entituled an Act impowering the Vestrymen and Church Wardens
 of all Saints Parish in Prince Georges County, or of the County
 wherein the said Parish shall be, to purchase three seperate Acres
 of Land in the said Parish whereon to build a Church and Two
 Chappels of Ease and to Impower the Justices of Prince Georges
 County, or of the County wherein the said Parish shall be, to levy
 on the Taxable Inhabitants of the said Parish the Sum of three
 hundred Pounds Current Money for the Uses therein mentioned;
 Thus Indorsed

By the Lower house of Assembly 23 June 1747

Read the first and second time by an Especial Order and will Pass
 Signed p Order M. Macnemara Ct Lo. H.

Read the first time in this house and ordered to Lye on the Table.

p. 176 Three Engrossed Bills from the Lower house by Mess^{rs} Mills and
 Tilghman, One Entituled an Act to Prohibit the Raising of Swine
 and Geese in Princess Ann Town in Somerset County; One Enti-
 tuled an Act to Prohibit the Raising of Swine and Geese in Oxford
 Town in Talbot County; And the other Entituled a supplementary
 Act to the Act Entituled an Act for Laying out the Town a New
 commonly called Snow hill Town in Somerset County Severally
 thus Subscribed: 23 June 1747

Read and Assented to by the Lower house of Assembly.

Signed p Order M Macnemara Ct Lo H.

Read and Assented to by this house and Ordered to be subscribed
 Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

Four Bills from the Lower house by Mess^{rs} Tilghman and Handy
 One Entituled an Act containing an Act Entituled an Act for Pun-
 ishment of horse Stealers and other Offenders One Entituled an Act
 Containing an Act, Entituled an Act to prevent Cuting up Tobacco
 Plants Destroying of Tobacco and Tobacco houses and for Ascear-
 taining the Punishment of Criminals Guilty of the said Offences;
 One Entituled an Act Containing an Act Entituled a Supplementary
 Act to an Act Entituled an Act laying an Imposition on Negroes
 and Several Sorts of Liquors Imported and also on Irish Servants
 to prevent the Importing to Great a Number of Irish Papists into
 this Province, and the other Entituled an Act Containing an Act to
 prevent the injuring of Harbours within this Province, and for
 Repealing the Act therein mentioned, Several thus Endorsed.

By the Lower house of Assembly 21 May 1747

Read the first Time and Ordered to Lye on the Table

Signed p Order M Macnemara Ct. Lo H.

U. H. J.
Liber No. 34

By the Lower house of Assembly 23 June 1747

Read the Second Time and will Pass

Signed p Order M Macnemara Ct Lo H.

Read the first time in this house and ordered to Lye on the Table

Adjourned till to Morrow Morning ten of the Clock

Wednesday Morning 24 June 1747

June 24

This house met again according to Adjournment

Present as Yesterday

Read the second Time the Bill Entituled an Act empowering the Vestrymen and Church Wardens of all Saints Parish in Prince Georges County or of the County where the said Parish shall be to Purchase three Seperate Acres of Land in the said Parish whereon to Build a Church and Two Chappels of Ease, and to impower the Justices of Prince Georges County or of the County wherein the said Parish shall be to levy on the Taxable Inhabitants of the said Parish the Sum of three hundred Pounds Current money; and the Bill Entituled an Act to Cut of the Entail of Two hundred Acres of Land Part of a Tract of Land called St. Patricks hill Lying in Charles County, and to Invest Thomas Hussey Luckett with an Estate in fee Simple in the said Land and to Entail a Tract or Parcel of Land called Waidstones Enlargement and Part of a Tract of Land called Waidstone in Lieu thereof Passed and sent to the Lower house of Richard Lee Esquire p. 177

Two Bills from the Lower house by Mess^{rs} Hall & Sullyvan One Entituled an Act Continuing an Act of Assembly of this Province Entituled an Act for the more Effectual Punishment of Certain Offenders, and for taking from them the Benefit of Clergy the other Entituled an Act continuing an Act of Assembly of this Province Entituled a Supplementary Act to the Act Entituled an Act for the more Effectual Punishment of Negroes and other Slaves and for taking away the Benefit of Clergy from Certain Offenders; and to an Act Entituled an Act to prevent the Tumultierious meeting and other Irregularities of Negroes and other Slaves and Directing the manner of Trying Slaves, Thus Endorsed

By the Lower house of Assembly 21 May 1747

Read the first time and ordered to Lye on the Table.

Signed p Order M Macnemara Ct Lo H.

By the Lower house of Assembly 24 June 1747

Read the second time and will Pass.

Signed p Order M Macnemara Ct Lo H.

U. H. J.
Liber No. 34

Read the first Time in this house and Ordered to Lye on the Table
An Engrossed Bill from the Lower house by Messrs Sheredine
& Paca Entituled an Act Enabling and Requiring the Clerk of Bal-
timore County Court to Record a Deed of Bargain and Sale from
Morgan Murray to Mary Stevenson & making Valid the same, thus
Subscribed: 24 June 1747

Read and Assented to by the Lower house of Assembly
Signed p Order M Macnemara Ct. Lo H.

Read and Assented to by this house and Ordered to be so Sub-
scribed

Adjourned till 3 of the Clock of the afternoon

p. 178

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

A Bill from the Lower house by Mess^{rs} Buchanan & Tilghman
Entituled an Act to prevent the Sale of any of the Parishes within
this Province Thus Indorsed

By the Lower house of Assembly 22^d June 1747

Read the first Time and ordered to Lye on the Table

Signed p Order M Macnemara Ct Lo H.

By the Lower house of Assembly, 24 June 1747

Read the second Time and will Pass

Signed p Order M Macnemara Ct Lo H.

Read the first Time in this house & Ordered to Lye on the Table
Adjourned till to Morrow Morning ten of the Clock

June 25

Thursday Morning 25 June 1747

This House met again according to Adjournment

Present as Yesterday

The following Message is Sent by Samuel Chamberlain Esquire

By the Upper house of Assembly. 25 June 1747

Gentlemen Upon Consideration of the Bill Entituled an Act for
amending the Staple of Tobacco for preventing frauds in his Majes-
ties Customs and for the Limitation of Officers fees We find many
Parts of it of Such a Nature as cannot with any Reason or Justice
be passed as they now Stand; but as the Welfair and Prosperity of
the Province depend so very much upon the Success of this Bill
We Desire a Conference with Your house upon the Subject Matter
thereof

Signed p Order John Ross Ct Up H.

A Message from the Lower house by Mess^{rs} Sheredine &
Tilghman

By the Lower house of Assembly 25 June 1747

U. H. J.
Liber No. 34

May it please Your Honours In Answer to Your Message this day by Samuel Chamberlain Esq^{re} This house hath appointed Major Sheredine, Major Henry, Doctor Buchanan M^r Phillip Hammond, M^r John Gresham and Captain Tilghman to joyn any Members Your house shall Appoint in a Conference on the Subject Matter Contained in the said Message

Signed p Order M Macnemara Ct Lo H.

Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This House met again according to Adjournment.

p. 179

Present as in the Morning

The following Message is sent by Daniel Dulany Esq^r

By the Upper house of Assembly 25 June 1747

Gentlemen This house hath named Cot Hollyday Philip Thomas and Daniel Dulany Esq^r to joyn the Members Appointed by Your house in a Conference as proposed by Your Message of this day by Mess^{rs} Sheredine & Tilghman

Signed p Order John Ross Ct Up H.

An Engrossed Bill from the Lower house by Mess^{rs} Wootton & Stoddert Entituled an Act empowering the Vestrymen and Church Wardens of All Saints Parish in Prince Georges County or of the County wherein the said Parish shall be to Purchase three Acres of Land Seperate in the said County whereon to Build a Church & Two Chappels of Ease and to impower the Justices of Prince Georges County or of the County wherein the said Parish shall be to Levy on the Taxable Inhabitants of the said Parish the Sum of three hundred Pounds Current Money, Thus subscribed: 24 June 1747

Read and Assented to by the Lower house of Assembly

Signed p Order M Macnemara Ct Lo Ho.

Read and Assented to by this house and Ordered to be Subscribed

A Bill from the Lower house by [Mr. Worthington and Capt. Bayard.] Entituled an Act to prevent evils arising from the Entering up Judgement upon Bonds commonly called Judgement Bonds to Direct the manner of issuing Executions on Loan Office Bonds and to Regulate Certain fees therein mentioned Thus Endorsed

By the Lower house of Assembly 19 June 1747

Read the first Time and Ordered to Lye on the Table

Signed p Order M Macnemara Ct Lo H.

By the Lower house of Assembly 25 June 1747

Read the Second Time and will pass.

Signed p Order M Macnemara Ct Lo. H.

U. H. J. Read the first time in this house and Ordered to Lye on the Table
Liber No. 34 Adjourned till to Morrow Morning ten of the Clock

June 26 Friday Morning the 26 June 1747

This house met again according to Adjournment

Present as Yesterday with the Addition of Col Benjamin Tasker
p. 180 A Bill from the Lower house by Mess^{rs} Tilghman & Harris Enti-
tuled an Act to prevent certain Evils and Inconveniencies attending
the Sale of Strong Liquors & Running of horse Races near the
Yearly Meetings of the People called Quakers and to prevent the
Tumultious Concourse of Negroes and other Slaves During the said
meetings Thus Endorsed

By the Lower house of Assembly 24 June 1747

Read the first Time and ordered to Lye on the Table.

Signed p Order M Macnemara Ct Lo H.

By the Lower house of Assembly 26 June 1747

Read the second Time and will pass

Signed p Order M. Macnemara Ct Lo H.

Read the first Time in this house and Ordered to Lye on the Table

An Engrossed Bill from the Lower house by Mess^{rs} Harrison and
Bond Entituled an Act to Cutt of the Entail of Two hundred Acres
of Land Part of a Tract of Land called Saint Patricks hill Lying in
Charles County and to Invest Thomas Hussey Luckett with an
Estate in fee Simple in the said Land and to Entail a Tract or Parcel
of Land called Waidstons Enlargement and Part of a Tract of Land
called Waidstone Lying in Charles County af^d in Lieu thereof thus
Endorsed: 25 June 1747

Read and Assented to by the Lower house of Assembly

Signed p Order M Macnemara Ct. Lo. H.

Read and Assented to by this house & Ordered to be so Subscribed

A Bill from the Lower house by Mess^{rs} Barnes & Mills Entituled
an Act to enable Onorio Razolini to Convey in Right of Elizabeth
Calvert an Infant to George Plater Esq^r certain Lands therein men-
tioned; thus Endorsed

By the Lower House of Assembly 16 June 1747

Read the first time and Ordered to Lye on the Table

Signed p Order M Macnemara Ct Lo H.

By the Lower house of Assembly 26 June 1747

Read the Second Time and will Pass

Signed p Order M Macnemara Cl Lo H.

Read the first time in this house and Ordered to Lye on the Table
Adjourned till 3 of the Clock in the Afternoon

Eodem Die post Meridiem

U. H. J.
Liber No. 34

This house met again according to Adjournment

Present as in the Morning

A Bill from the Lower house by Mess^{rs} Worthington & Hall Entituled an Act impowering Certain Commissioners therein named to Lay out and Set a Price or Cause a Price to be Set on Two Acres of Land in Saint Margarets Westminster Parish in Ann Arundel County whereon the Chappel of Ease belonging to the said Parish now Stands, thus Endorsed

By the Lower house of Assembly 26 June 1747

Read the first and second time by an Especial Order and will Pass

Signed p Order M. Macnemara Ct Lo H.

Read the first time in this house and Ordered to Lye on the Table p. 181

Read the Second Time the Six following Bills Viz.

An Act continuing an Act of Assembly of this Province Entituled a Supplementary Act to the Act Entituled an Act for the more Effectual Punishment of Negroes and other Slaves, and for taking away the Benefit of Clergy from Certain offenders; and to an Act Entituled an Act to prevent the Tumultious meetings and other Irregularities of Negroes and other Slaves and Directing the manner of Trying Slaves; an Act Continuing an Act Entituled an Act for Punishment of horse Stealers and other Offenders; an Act Continuing an Act of Assembly of this Province Entituled an Act for the more Effectual Punishment of Certain Offenders, and for taking from them the Benefit of Clergy; an Act Continuing an Act of Assembly of this Province Entituled a supplementary Act to an Act Entituled an Act Laying an Imposition on Negroes & Several Sorts of Liquors Imported and also on Irish Servants to prevent the importing too Great a Number of Irish Papists into this Province; an Act Continuing an Act Entituling an Act to prevent Cutting up Tobacco Plants Destroying of Tobacco and Tobacco houses & for ascertaining the Punishment of Criminals Guilty of the said Offences; an Act Continuing an Act Entituled an Act to prevent the Injuring of Harbours within this Province and for Repeating the Act therein mentioned: which were Passed and Sent to the Lower house by Edmund Jenings Esq^{re}

Adjourned till to. Morrow Morning ten of the Clock

Saturday Morning the 27 June 1747

June 27

This house met again according to Adjournment

Present as Yesterday

A Bill from the Lower house by Mess^{rs} Harrison and Hyland Entituled an Act for Raising three pence Sterling p hh^d on all To-

U. H. J. bacco to be Exported for Purchasing Armes and Ammunition and
 Liber No. 34 for an immediate Supply of Arms for the Defence of this Province
 Thus Endorsed.

By the Lower house of Assembly 25 June 1747

Read the first time and ordered to Lye on the Table

Signed p Order M Macnemara Ct Lo H.

By the Lower house of Assembly 27 June 1747

Read the second Time and will Pass.

Signed p Order M Macnemara Ct Lo H.

Read the first Time in this House and Ordered to Lye on the
 Table.

p. 182 Six Engrossed Bills from the Lower house by Mess^{rs} Barnes &
 Paca Viz. An Act continuing an Act Entituled an Act to prevent
 Cutting up Tobacco Plants destroying of Tobacco and Tobacco
 Houses and for ascertaining the Punishment of Criminals Guilty
 of the said Offences an Act continuing an Act Entituled an Act for
 Punishing of horse Stealers and other Offenders an Act Continuing
 an Act Entituled an Act to prevent the Injuring of Harbours within
 this Province and for Repealing the Act therein mentioned, an Act
 Continuing an Act of Assembly of this Province Entituled an Act
 for the more Effectual Punishment of Certain Offenders and for
 taking from them the Benefit of Clergy; an Act Continuing an Act
 Entituled a supplementary Act to an Act Entituled an Act Laying
 an Imposition on Negroes and several Sorts of Liquors imported
 and also on Irish Servants to prevent the importing too Great a
 Number of Irish Papists into this Province; an Act Continuing an
 Act of Assembly of this Province Entituled a Supplementary Act
 to the Act Entituled an Act for the more Effectual Punishment of
 Negroes and other Slaves and for taking away the Benefit of Clergy
 from Certain Offenders; and to an Act Entituled an Act to prevent
 the Tumultius meeting and other Irregularities of Negroes and
 other Slaves and Directing the manner of Trying Slaves: Severally
 thus Subscribed 27 June 1747

Read and Assented to by the Lower house of Assembly

Signed p Order M Macnemara Ct Lo H.

Read and Assented to by this house and ordered to be so Sub-
 scribed

Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

Read the second time the Bill Entituled an Act to prevent evils
 & inconveniencies attending the Sale of Strong Liquors and Run-

ing of horse Races near the Yearly meetings of the People called Quakers and to prevent the Tumultious Concourse of Negroes and other Slaves during the said meetings; Passed and sent to the Lower house By Daniel Dulany Esq^{re}

U. H. J.
Liber No. 34

Read the second time the Bill Entituled an Act impowering certain Commissioners therein mentioned to Lay out and set a price or cause a Prise to be Set on Two acres of Land in Saint Margarets Westminister Parish in Ann Arundel County whereon the Chappel of Ease belonging to the said Parish now Stands Passed and Sent to the Lower house of Assembly by Colonel Tasker

Adjourned till Monday Morning ten of the Clock

Monday Morning 29 June 1747

June 29
p. 183

This house met again according to Adjournment

Present

The Honourable	{	Benjamin Tasker Esq ^r	}	Col Edward Lloyd
		Col George Plater		Daniel Dulany Esq ^r
		Edmund Jenings Esq ^r		Benjamin Young Esq ^r
		Col James Hollyday		Col Benj. Tasker
		Samuel Chamberlain Esq ^r		Richard Lee Esquire
		Phillip Thomas Esq ^r		

Adjourned till to Morrow Morning ten of the Clock

Tuesday Morning 30 June 1747

June 30

This house met again according to adjournment

Present as Yesterday with the Addition of Col Hammond
Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the morning
Adjourned till to Morrow Morning ten of the Clock

Wednesday Morning 1st July 1747

July 1

This house met again according to Adjournment

Present as Yesterday

Two Engrosed Bills from the Lower house by Mess^{rs} Tilghman & Harrison; One Entituled an Act to prevent certain evils and inconveniences attending the Sale of Strong Liquors and Running of

U. H. J. horse Races near the Yearly meetings of the People called Quakers
 Liber No. 34 and to prevent the Tumultious Concourse of Negroes and other
 Slaves during the said Meetings; the other, An Act empowering
 certain Commissioners therein mentioned to Lay out and Set a Price
 or Cause a Price to be set on Two Acres of Land in Saint Margarets
 Westminster Parish in Ann Arundel County whereon the Chappel
 of Ease belonging to the said Parish now Stands; Thus Subscribed
 1st July 1747

Read and assented to by the Lower house of Assembly.

Signed p Order Macnemara C^t. Lo H.

Read and assented to by this house and ordered to be so Sub-
 scribed

Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

p. 184 Adjourned till to Morrow Morning ten of the Clock

Thursday Morning 2^d July 1747

July 2

This house met again according to Adjournment

Present as Yesterday

Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This house met again according to adjournment

Present as in the Morning Except Colonel Loyd

Adjourned till to Morrow Morning ten of the Clock

Friday Morning 3^d July 1747

July 3

This house met again according to adjournment

Present as Yesterday

Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

Read the Second time the Bill Entituled an Act for Raising three
 pence Sterling p hh^d on all Tobacco to be Exported for Purchasing
 Arms & Ammunition and for an immediate Supply of Armes for
 the Defence of this Province and will pass with following amend-

ments after the word, Raised; in the fourteenth Line of the first Page, to the word, Province, in the 6th Line of the 3^d Page to be Left out & the following Clauses to be inserted. Which said duty shall be disposed of for the Purchasing of Arms and Ammunition for the Maintaining a Magazine for the better Defence of this Province and for the due Preservation thereof and Paid to the Treasurer or Treasurers of this Province for the Time being who shall be allowed 2½ p Cent for the Receipt and Payment thereof and to be Disposed of to the Use aforesaid as the Governor and Council for the Time being shall Direct for the Colection whereof the Navel Officers shall be allowed the Sallery of Eight Pounds p Centum and no more

U. H. J.
Liber No. 34

And be it further Enacted by the Authority af^d that the Several and Respective Treasurers shall from time to time make and Render to both houses of Assembly of this Province Sufficient and Clear Accounts of what money they shall Receive by Virtue of this Act and how the same shall have been Disposed of.

And be it Likewise Enacted that the Several and Respective Treasurers shall and they are hereby Directed to Transmite all the Bills of Exchange or Money which they shall Receive in Virtue of this Act to M^r Joseph Adams Merchant in London to be by him kept and Paid Out according to the Directions and to the Uses in this Act mentioned.

p. 185

Leave Out the Two Provisoos Pages 3 & 4. Instead of the words their Several and Respective Sallery's or allowance in the 10 & 11th Line of the fourth Page Put these words Eighty Pounds Yearly, in the 12th Line of the same Page after the word otherwise; to the End of the Bill to be left out and the following clause to be Added

This Act to Continue untill the 29th day of September which shall be in the Year of Our Lord Seventeen hundred and fifty & no longer; Sent to the Lower house by Co^t Tasker

Read the second Time the Bill Entituled an Act to Enable Onorio Razolini to Convey in Right of Elizabeth Calvert an Infant to George Plater Esq^r certain Lands therein mentioned, Passed and Sent to the Lower house of Assembly by Co^t Hammond.

Read the second Time the Bill Entituled an Act to prevent evils arising from the Entering up Judgements upon Bonds Comonly called Judgement Bonds to Direct the manner of issuing Executions upon Loan Office Bonds to regulate certain fees therein mentioned and will pass with the following Amendment; in the 12th Line of the first Page after the word Bond, insert these words, which shall be taken or Executed after the End of this Session of Assembly from the word Power in the Last Line of the same Page Leave out all in the first Line of the fourth Page to the word, Be, in the third Line the Remaining Part of the Clause; after the word, Supported; in the 11 Line of the 3^d Page leave out these words, and that by no

U. H. J. Interpretation of Law the same Should Suffer; from the word, and
 Liber No. 34 to be left Out, after the word, Or, in the 6th Line of the same Page
 to the word, Sureties, in the 9th Line to be left out, and the follow-
 ing words to be inserted; What shall be really due on such Bond or
 Bonds; and at the End following Proviso to be added Provided
 always that nothing therein Contained shall Extend or be Con-
 strued to Extend to any Action or Suit where the Plaintiff shall Give
 Directions to any Attorney or Attorneys to Commence Several Ac-
 tions or where a Titling or Titlings shall be sent to the said Office
 or Offices for the Suing of Several Writts on one and the same
 Bond Sent to the Lower house of Assembly by Col Plater
 Adjourned till to Morrow Morning ten of the Clock

July 4
 p. 186

Saturday Morning 4th July 1747

This house met again according to adjournment

Present as Yesterday Except Col Hammond & Richard Lee Esq^{re}
 Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning.

Adjourned till Monday Morning ten of the Clock

July 6

Monday Morning 6 July 1747

This house met again according to Adjournment

Present

The Honourable	{	Benjamin Tasker Esq ^r	{	Sam ^l Chamberlain Esq ^r
		Col George Plater		Phillip Thomas Esq ^r
		Edmund Jenings Esq ^r		Daniel Dulany Esq ^r
		Col James Hollyday		Benjamin Young Esq ^r
		Col Charles Hammond		Col Benjamin Tasker

Read the Bill Entituled an Act for the Tryal of all Matters of
 Fact in the Several Counties where they have arisen or shall arise
 Ordered to Lye on the Table
 Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

A Bill from the Lower house by Mess^{rs} Gordon & Hyland Enti-
 tuled an Act repealing an Act of Assembly Entituled an Act to

enable the Rector Vestrymen and Church Wardens for the Time being in Saint Anns Parish in Ann Arundel County to Lease certain Lotts in the City of Annapolis in manner and to the Use therein mentioned and to enable the said Rector Vestrymen and Church Wardens to Lease certain Lotts of Land within the said City of Annapolis; Thus Endorsed

U. H. J.
Liber No. 34

By the Lower house of Assembly 1st July 1747

Read the first Time and ordered to Lye on the Table

Signed η Order M Macnemara Ct Lo H.

By the Lower house of Assembly 6th July 1747

Read the second Time and will Pass.

Signed η Order M Macnemara Ct Lo H.

Read the first time in this house and ordered to Lye on the Table p. 187

A Bill from the Lower house by Mess^{rs} Harris and Mills Entitled an Act for Repairing and amending the Publick and County Goal in the City of Annapolis; Thus Endorsed.

By the Lower house of Assembly 4 July 1747

Read the first Time and ordered to Lye on the Table

Signed η Order M. Macnemara Ct. Lo. H.

By the Lower house of Assembly 6th July 1747

Read the second Time and will Pass.

Signed η Order M Macnemara Ct. Lo. H.

Read the first time in this house and ordered to Lye on the Table

Cot Hollyday from the Committee of Both houses appointed to Consider of the amendments that should be thought Necessary to the Bill for Regulating the Staple of Tobacco brings in the following Report.

At a Conference begun and held in the Loan Office on the Twenty fifth day of June and by frequent Adjournment Continued untill the Sixth day of July in the same Year

Were Present

The Honourable { James Hollyday
Phillip Thomas } Esquires of the Upper house
Daniel Dulany }

Mr Phillip Hammond Mr John Gresham
Cap^t Edward Tilghman Major Henry
Doctor George Buchanan of the Lower house

Who made Choice of Cot James Hollyday to be their Chairman & W^m Wilkins to be their Clerk.

The following Report was agreed upon by the Conferers of both houses Viz.

The said Conferers having agreed to the Several Alterations and Amendments Proposed to be made to the Bill for Regulating the

U. H. J. Staple of Tobacco &c. and that all Lateral Mistakes in the said Bill
 Liber No. 34 shall be corrected. Signed p Order W^m Wilkins Ct.

p. 188
 [Lateral
 probably
 should be
 Material]

Read the Second Time the Bill Entituled an Act for amending
 the Staple of Tobacco for preventing frauds in his Majestys Cus-
 toms and for the Limitation of Officers fees and will Pass with
 amendments agreed on by the Conferers approved on by both houses
 and sent with the Bill; sent to the Lower house by Phillip Thomas
 Esq^r

Adjourned till to Morrow Morning ten of the Clock

July 7

Tuesday Morning 7 July 1747

This house met again according to Adjournment

Present as Yesterday

Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This house met again according to Adjournment.

Present as in the Morning

A Bill from the Lower house by Mess^{rs} Henry and Dulany Enti-
 tuled an Act to prevent the Act of Limitation taking Place or being

[Pliable
 is for
 Pleable]

Pliable in the Case of Treasurers Bonds; Thus Endorsed

By the Lower house of Assembly 1st July 1747

Read the first time and ordered to Lye on the Table

Signed p Order M Macnemara Ct. Lo H.

By the Lower house of Assembly 7 June 1747

Read the second time and will Pass

Signed p Order M Macnemara Ct Lo. H.

Read the first time in this house and Ordered to Lye on the Table.

Read the second time the Two following Bills Viz. An Act for
 Repairing and mending the Publick and County Goal in the City
 of Annapolis; an Act Respecting an Act of Assembly Entituled an
 Act to Enable the Rector Vestrymen and Church Wardens for the
 time being in S^t Ann's Parish in Ann Arundel County to Lease
 Certain Lotts in the City of Annapolis in Manner and to the Uses
 therein mentioned, and to Enable the said Rector Vestrymen and
 Church Wardens to lease Certain Lotts of Land within the said
 City of Annapolis Passed and Sent to the Lower house by Samuel
 Chamberlain Esq^{re}

Adjourned till to Morrow Morning ten of the Clock.

Wednesday Morning 8 July 1747

This house met again according to adjournment

U. H. J.
Liber No. 34
July 8

Present as Yesterday

Read the Second time the Bill Entituled an Act for the Enlarge-
ment of Baltimore Town in Baltimore County and other Purposes
therein mentioned, and will Pass the following Proviso being added
thereto. p. 189

Provided Nevertheless that this Act nor any thing herein Con-
tained shall Extend or be Construed to Extend to enable or capaci-
tate the said Commissioners or the Inhabitants of the said Town to
Elect and Choose Deligates or Burgisses to set in the General As-
sembly of this Province as Representatives of the said Town: But
it is hereby Enacted that the Commissioners or Inhabitants of the
said Town shall not Elect or Choose any Delegate or Delegates
Burgess or Burgesses to Represent the said Town in any General
Assembly of this Province, Sent to the Lower house by Edmund
Jenings Esq^r

A Message from the Lower house by Mess^{rs} Harris and Dulany

By the Lower house of Assembly 8 July 1747

May it please Your honours This house concurs with all the
amendments proposed by Your Honours to the Bill Entituled an Act
for raising three pence Sterling p hhd on all Tobacco to be Ex-
ported for purchasing Arms and Ammunition &c. Except the Sallery
to the Armouror which this house is willing shall be Settled at
Twenty five Pounds Sterling p Annum to be Paid by the Treasurers
out of the money that will be raised by and the duration of the Bill
which this house cannot agree to alter, We therefore desire Your
Honours to Pass the Bill accordingly

Signed p Order M Macnemara Cl. Lo H.

The following Message is sent by Col Hammond

By the Upper house of Assembly 8 July 1747

Gentlemen This house hath agreed to the amendments to the
Bill Entituled an Act for Raising three pence Sterling p hhd on all
Tobacco to be Exported for Purchasing Arms & Ammunition &c.
as proposed in Your Message of this day by Mess^{rs} Harris & Dulany

Signed p Order John Ross Cl Up ho.

Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

Read the Second time the Bill Entituled an Act for the Tryal of
all Matters of fact in the Several Counties where they have Arisen

U. H. J. or shall arise and with the amendments Proposed in a Message here-Liber No. 34 with Sent will Pass.

p. 190

Amendments to the Assize Law

By the Upper house of Assembly 8 July 1747

The Words, and not Elsewhere, in the sixteenth Line of the first Page to be omitted for that such Words if Continued in the Bill, would Exclude the Provincial Court from taking Cognizance by a Tryal at Barr of such Crimes and Offences as are there mentioned and which may from the Nature and Importance of them some Times Require the most Solemn Determination and therefore the Kings Bench notwithstanding the assizes in England may and frequently have Tryals at Barr in such Causes, and this Government might be Questioned why any Jurisdiction over such Causes was Lessened or Excluded, In the 12th Line of the third Page Between the words, the and Tuesday, Inserted first after the word Justice, in the Ninth Line of the 7th Page; put these words and Be it Enacted by Authority Advice and Consent aforesaid that the Justices of Assize Nisi Prius and Goal Delivery shall in all Civil Cases to be tryd before them where any Person Concerned shall Desire the same allow and Direct Special Verdicts to be found the amendment Proposed with Regard to Special Verdicts in Civil Cases only is the more Necessary as Our Judges are not Law[y]ers as they are in England and therefore cannot Certainly Determine any Point of Law that may be Sudently Started whereas if the Tracts are found Specially and at Large the Provincial Court may Divid them with more Certainty than they Can Possibly Deside at the Assizes and if the Provincial Court Should give an Erronius Judgement the Party affected with such Judgement will have a Remedy which cannot be the Case on a General Verdict as the facts cannot appear Besides Special Verdict are the best Expedients to guard against the Partiality Precipitancy or Ignorance of Jurymen and to prevent the Necessity of new Tryals, which are always attended with very Great Expence to the Suitores

In the 3^d Line of the eight Page, these words, unless the Party or Parties accused or Prosecuted Prays Judgement may be given immediately, that then and in such Case the Judge or Judges of Assize shall and may Proceed to Judgement therein, any Law Usage or Custom to the Contrary notwithstanding to be Omitted because they Clash with the next Proceeding part of the Clause, and it would be Obsurd to suppose the Judges can give any Judgemnt in any Case wherein they Doubt even altho the Party should Pray such Judgement after words Liable to, in the Second Line of the 12 Page add the words, and be it Enacted that the next Provincial Court shall begin the third Tuesday of October next after the End of this Session of Assembly and not before, and that all Actions now depending

p. 191

in that Court of what Nature soever shall be and are by this Act Continued until the said third Tuesday of October next, and that all Writts Process and Precepts already issued or to be issued out of the Provincial Court Shall be Returnable to the said third Tuesday in October and that all Sheriffs Coroners & other Officers that have Arrested or shall Arest any Person or Persons by Virtue of a Writt Precept or Process Returnable to the Second Tuesday of September next shall be under the same Obligation to have the Party arrested at Annapolis the said third Tuesday of October; and that all Bail Bonds taken or that shall be taken for the appearance of any Person or Persons at the Provincial Court to be held the second Tuesday of September next shall be Discharged by the Appearance of the Party or Parties the third Tuesday of October next and forfeited & Assignable for the non appearance of the Party or Parties then as if such Writts Process and Precepts were then Returnable

U. H. J.
Liber No. 34

After the word Void, in the Tenth Line of the same Page add these words, And Whereas Since Last Provincial Court Sundry Persons have been Committed for Crimes and Misdemeanors by them done, and Witnesses have been bound Over to Testify against such Persons at next Provincial Court, Be it therefore Enacted that all such Commitences and Recognizances returnable before the said Provincial Court shall be Obligated to be returned by the Respective Magistrates taking such Recognizances before the Judges of Assize in the Respective Counties where the Offences have been Committed, and the Offenders and Witnesses be Obligated to appear by Virtue of the said Recognizances accordingly

After the word, Proviso in the 10 Line in the 13 Page put the words Provided that all Causes where in issue in fact was joyned and which could not be Tryed at the Last Provincial Court and which were therefore appointed to be Tryed at an Adjournment of the said Court before the said next Court in Course shall be Tryed at the next Assizes, and the Postas returned to the next Provincial Court and Judgement rendered thereon and that all other Causes to be Tryed at the said Adjournment and all Rules and Orders of Court which were to be Complied with at the said adjournment shall be Complied with the first Week of the next Provincial Court and also that where any Cause or Causes wherein by the Course of the Court an issue or issues ought to be joyned and Tryed the next Provincial Court that all such Cases shall and may be Continued untill may Court 1748 and that the said Causes shall and may be Tryed at April Assizes in the Year last mentioned

After the word, Payable, to the End of the Bill to be left out and the following Words inserted, This Act to Continue untill the first day of November which shall be in the Year of Our Lord 1748 & no longer, sent to the Lower house by Edmund Jenings Esq^r

Adjourned till to Morrow Morning ten of the Clock.

U. H. J.
Liber No. 34
July 9

Thursday Morning 9 July 1747

This house met again according to Adjournment

Present as Yesterday

An Engrossed Bill from the Lower house by Mess^{rs} Ennals & Bond Entituled an Act for Raising three Pence Sterling ꝑ hh^d on all Tobacco to be Exported for Purchasing Arms and Ammunition and for an immediate Supply of Armes for the Defence of this Province, Thus Subscribed 8 July 1747

Read and Assented to by the Lower house of Assembly

Signed ꝑ Order M Macnemara C^t Lo H.

Read and Assented to by this house and Ordered to be so Subscribed

An Engrossed Bill from the Lower house by Mess^{rs} Sheredine and Henry Entituled an Act for amending the Staple of Tobacco for preventing frauds in his Majestys Customs and for the Limitation of Officers fees, thus Subscribed 9 July 1747

Read and Assented to by the Lower house of Assembly

Signed ꝑ Order M Macnemara C^t Lo H.

Read and Assented to by this house and Ordered to be so Subscribed

Two Engrossed Bills from the Lower house of Assembly by Mess^{rs} Ennals and Hall One Entituled an Act for the Enlargement of Baltimore Town in Baltimore County and other Purposes therein mentioned the other Entituled an Act to Enable Onorio Razolini to Convey in Right of Elizabeth Calvert an Infant to George Plater Esq^{re} certain Lands therein mentioned Thus Subscribed 9 July 1747

Read and Assented to by the Lower house of Assembly

Signed ꝑ Order M. Macnemara C^t Lo H.

Read and Assented to by this house and ordered to be so Subscribed

Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

p. 193 Present as in the Morning with the Addition of Co^t Lloyd

Read the second time the Bill Entituled an Act to Divide Prince Georges County and to Erect a New One by the Name of Frederick County and will Pass.

The Words from and after the Tenth day of December next, in the 5 & 6 Lines of the first Page being left Out, and the following words inserted, within One Month after the Right Honourable the Lord Proprietary shall have Signified his Assent to, or Approbation of this Act sent to the Lower house with the following Message by Co^t Hollyday

By the Upper house of Assembly 9 July 1747

U. H. J.
Liber No. 34

Gentlemen We are very Sensible of the Necessity of Dividing Prince Georges County that Frederick Town is the most Convenient and agreeable Place to the Back Inhabitants to fix the Court house in, we are also Sensible that if his Lordship should Dessent to the Act after some Progress made towards Carring it into Execution It would be very prejudicial and should any Actions be Commened; they would be Discontinued, which would be very hurtfull to the People and Create much Confusion and if any Particular Time was to be fixed tho a Long One, the People could not be at any Certainty even at the Expiration of such Time, as ships are Lyable to be taken in War Time Either coming from or going to England, and since it may Possibly happen, that his Lordship may Signify his Approbation of the Act soon which would put the Execution of the Act beyond all Doubt & uncertainty therefore we hope you will agree to the amendments Proposed

Signed p Order John Ross Ct Up H.

Two Engrossed Bills from the Lower house by Mess^{rs} Dashiel & Bayard, One Entituled an Act for Repairing and Amending the Publick and County Goal in the City of Annapolis, the other Entituled an Act to prevent evils arising from the Entering up Judgements upon Bonds commonly called Judgement Bonds to Direct the manner of issuing Executions on Loan Office Bonds, and Regulate Certain fees therein mentioned, thus Subscribed 9 July 1747

Read and assented to by the Lower house of Assembly

Signed p Order M Macnemara Ct. Lo. H.

Read and assented to by this house and ordered to be so Subscribed

Read the second time the Bill Entituled an Act to prevent the Act of Limitation taking Place or being Pleadable in the Cause of Treasurers Bonds and will Pass, the following Proviso being Added thereto.

Provided Nevertheless and it is the true Intent & meaning of this Act that nothing herein contained shall Extend or be Construed to Extend to Debarr any Person or Persons whatsoever from the Right or Liberty from insisting on & Pleading the Act of Limitation in any Suit or Suits which may or shall be brought on any such Bond or Bonds which at the Time of making this Act is or are Barred by the said Act of Limitation shall and may be pleaded in Barr in such Suit or Suits on such Bond or Bonds in as full and Ample manner as [if] this Act had never been made, Sent by Cot Hammond p. 194

A Message from the Lower house with the Bill for Dividing Prince Georges County by Mess^{rs} Addison and Bayard

By the Lower house of Assembly 9 July 1747

May it please Your honours This house doth not agree to the Proposed amendments to the Bill Entituled an Act to Divide Prince

U. H. J. Georges County and to Erect a New One by the Name of Frederick
 Liber No. 34 County, But it is a Bill that may be of Great Advantage to that Part
 of the People to be Erected in a New County and Contribute to
 Encourage the Seating that Part of his Majestys Dominions, this
 house agrees that the said Bill shall have a Commencement from
 the Tenth day of December 1748 with which if your house agrees
 we Desire the Bill may Pass accordingly

Signed p Order M Macnemara Ct Lo H.

A Message from the Lower house with the Assize Bill by Cot
 King & Mr Wilkinson

By the Lower house of Assembly 9 July 1747

May it please Your honours This house cannot agree to the first
 amendment Proposed by Your honours to the Bill Entituled an Act
 for the Tryal of all Matters of fact &c But are willing that some
 words may be Added whereby the Governor may be impowered to
 issue especial Commission for the Tryal of all Persons Criminally
 Charged who shall apply for the same

To the second this house agrees, but cannot to the third, because
 we are Apprehensive Jurors may Conceive themselves bound by
 such Direction to find especial Verdicts, but this house is willing
 there may be inserted that the Judges may Recoñend but not Com-
 pel them to find such

To the fourth amendment Proposed this house cannot agree be-
 cause the Clause as inserted by Us entended for the Ease of the Per-
 son Charged which cannot be if he be Compelled to a further
 Attendance at the Provincial Court

The fifth, Sixth & Seventh this house agrees to, but to the last
 they Cannot because the Time Proposed by Your honours for the
 Continuanace of the Act is so Short that the People for whose Benefit
 It is intended can Scarcely Receive any by it and therefore we make
 no Doubt but Your honours on Matter Consideration will Concure
 with Us in the Duration mentioned in the Bill as well as the other
 Particulars herein Expressed

Signed p Order M. Macnemara Ct Lo H.

A Bill from the Lower house by Mess^{rs} Worthington and Barnes
 Entituled an Act Reviving an Act Entituled an Act for the Speedy
 and Effectual Publication of the Laws of this Province and for the
 Encouragement of Jonas Green of the City of Annapolis Printer and
 for other Purposes therein mentioned thus Endorsed

By the Lower house of Assembly 9 July 1747

Read the first and second Time by an Especial order and will Pass.

Signed p Order M Macnemara Ct Lo H.

Read the first Time in this house and Ordered to Lye on the Table

Adjourned till to Morrow Morning ten of the Clock

Friday Morning 10 July 1747

This house met again according to Adjournment

U. H. J.
Liber No. 34
July 10

Present as yesterday

An Engrossed Bill from the Lower house by Mess^{rs} Worthington & Hall Entituling an Act repealing an Act of Assembly Entituled an Act to Enable the Rector Vestrymen and Church Wardens for the Time being of Saint Anns Parish in Ann Arundel County to Lease Certain Lotts in the City of Annapolis in Manner and to Uses therein mentioned and to Enable the said Rector Vestrymen & Church Wardens to Lease certain Lotts of Land within the said City of Annapolis, thus Subscribed 9 July 1747

Read and Assented to by the Lower house of Assembly

Signed p Order M Macnemara Ct Lo H.

Read and Assented to by this house and Ordered to be so Subscribed

Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

The following Message is Sent to the Lower house with the Assize Bill by Cof Plater

By the Uper house of Assembly 10 July 1747

Gentlemen We can never think of Departing from the first amendment Proposed to the Assize Bill, since the Bill as it now Stands in that Point would Destroy a foundementual Part of the Constitution of the Provincial Court and is neither Consonant to Reason nor in any Sence agreeable to the Laws of England.

As to what Relates to the Special Verdicts in civil Cases the words p. 196 we Propose being the same as they were in the former Acts we cannot Depart from them

We are persuaded You cannot on a Matture Consideration Desire Us to reside from the fourth amendment Since it may happen as that Part of the Bill now Stands, that not only a Guilty Person may be acquitted but even an Innocent Person Punished on a Doubt Besides the Clause import such an absurdity by Supposing the Prayer of the Criminal should either Enlighten the understanding or Clear up the Doubts of the Judge that neither house would Desire should appear in a Law

As to the duration of the Law that we may take from You all Doubt of our Earnestness to Comply with the Expectation of Your house as far as Possible We Propose the Continuance of it to be untill the first day of November 1749

Signed p Order John Ross Ct Up Ho.

Adjourned till to Morrow Morning ten of the Clock.

U. H. J.
Liber No. 34
July 11

Saturday Morning 11 July 1747

This house met again according to Adjournment.

Present as Yesterday Except Phillip Thomas Esq^r

A Bill from the Lower house by Mess^{rs} Loyd and Addison Entitled an Act for raising a Duty of three half pence Sterling p hhd on all Tobacco Exported out of this Province for the Use of the Governor; thus Endorsed.

By the Lower house of Assembly 3 July 1747

Read the first Time and Ordered to Lye on the Table

Signed p Order M Macnemara Ct Lo H.

By the Lower house of Assembly 11 July 1747

Read the second Time and will pass

Signed p Order M Macnemara Ct Lo H.

p. 197 Read the first and Second Time in this House by Especial Order & sent by [Col. Tasker.]

A Bill from the Lower house by Mess^{rs} Dashiell & Bond Entitled an Act for Continuing an Act of Assembly of this Province Entitled an Act ascertaining the Gauge and Tare of Tobacco hogsheads to prevent Cutting Cropping and Defaceing Tobacco taken aboard Ships or Vessels upon freight, thus Endorsed

By the Lower house of Assembly 11 June 1747

Read the first and second Time by an Especial Order & will Pass

Signed p Order M Macnemara Ct Lo H.

Read the first & second Time in this house by an Especial Order Passed and Sent by Samuel Chamberlain Esq^r

An Engrossed Bill from the Lower house by Mess^{rs} Gresham & Barnes Entitled an Act for the Tryal of all matters of fact in the Several Counties where they have arisen or shall arise, thus Subscribed 11 July 1747

Read and assented to by the Lower house of Assembly

Signed p order M Macnemara Ct Lo H.

Read and assented to by this house and ordered to be so Subscribed

Samuel Chamberlain Esq^r from the Committee of Both houses appointed to inspect the Accounts and Proceedings of the Commissioners of the Paper Currency Office; Brings in the following Report

At a Committee of Both houses of Assembly appointed to inspect the Office and proceedings of the Commissioners for emitting Bills of Credit Established by Act of Assembly 28 May 1747 Were Present

The honourable Samuel Chamberlain of the Upper house.

Major Thomas Sheredine, Col John Henry, Cap^t John Stodert, Cap^t Edward Tilghman, Major Abraham Barnes, of the Lower house

We made Choice of the Honourable Samuel Chamberlain Esq^r their Chairman, and Richard Dorsey to be their Clerk & agree to make the following Report

U. H. J.
Liber No. 34
[We should
be who]

Your Committee having carefully enspccted the State of the Office for Emiting the Paper Money find that there Remains of the 89990£ a Ballance in the Chest as the annexed Count of 4679:—:7½

That there was transmitted to the Commissioners hereon the 12 of March last by the Commissioners or Trustees in London Twenty four Books of Blank Bills in order to make good the torne & De-faced Bills which upon Examination We found to be

1 Book of 20 ^{sh} Bills	Quantity	1000 Bills	£1000:00:0
2 D ^o	15/ Ditto	2000 D ^o	1500:00:0
3 D ^o	10/ Ditto	3000 D ^o	1500:00:0
2 D ^o	5/ Ditto	2000 D ^o	500:00:0
4 D ^o	2/6 Ditto	4000 D ^o	500:00:0
6 D ^o	1/6 Ditto	6000 D ^o	450:00:0
6 D ^o	1/ Ditto	6000 D ^o	300:00:0
			£5750:00:0

of unsigned Bills mentioned in the Report of the Ninth of May p. 198 1744 there Remains in the Office the Sum of 8013:01:0 with which the above Twenty four Books amounts to 13763:01 as p the following Account

D^r The Office of the Commissioners for Emitting Bills of Credit to the following Books for Renewment of Defaced Money

To 7 Books p report 26 february 1735 amounting to	3437..10.. 0
To 25 Ditto as p Report 25 th May 1739	10937..10.. 0
To 34 Ditto as p Report 9 th May 1744	5750..00.. 0
To 24 Ditto as above mentioned	5750..00.. 0
£25875..00.. 0	

C^r

By 1 Book containing 1250 Twenty Shillings Bills	}	1250..00.. 0
Spoiled by indenting with an Engine		
By Money Burnt as p Report in June 1741		1859..15.. 0
By Ditto as p Report 18 October 1742		295.. 3.. 6
By Ditto as p Report 9 May 1744		2085..18.. 6
By Ditto as p Report 6 August 1745		2353..18..—
By Ditto as p Ditto 3 ^d July 1746		2439..10.. 6
By Ditto as p this Report		1827..13.. 6
By Ballance of Blank Bills now in the Office		13763..01..—
		£25875..00.. 0

U. H. J. Your Committee at the Desire of the Commissioners did Count
 Liber No. 34 Over and see Destroyed the following torn and Defaced Bills to the
 Amount of £1827..13..6 Viz^t.

1576 Bills of 1 shilling Each	78..16.. 0
1715 Ditto of 1..6 each	128..12.. 6
1686 Ditto of 2..6 each	210..15.. 0
1621 Ditto of 5. each	405..05.. 0
911 Ditto of 10 each	455..10.. 0
373 Ditto of 15 each	279..15.. 0
269 Ditto of 20 each	269..00.. 0
	£1827..13.. 6

Your Committee find that of the money mentioned to be due from
 the Several Sheriffs on Account of Ordinary Licenses in the last
 Report the following Sheriffs are Deficient the Sum of £723: 00: 6½
 Viz.

Samuel Smith late Sheriff of Ann Arundel County	30..11.. 9
William Thornton present Sheriff of said County	99..15.. 0
Walter Hanson late Sheriff of Charles County	23..15.. 0
Edward Trippe former Sheriff of Dorchester County	2..00.. 0
Samuel Hanson Sheriff of Charles County	26: 02.. 6
Thomas Muir late Sheriff of Dorchester County	10..09..10
Gilbert Ireland Sheriff of Saint Marys County	16..12.. 6
p. 199 John Parran Late Sheriff of Calvert County	11..17.. 6
James Somerville present Sheriff of Calvert County	21..07.. 6
William Harris Late Sheriff of Kent County	02..07.. 6
James Rigby former Sheriff of Baltimore County	53..16.. 7½
John Thomson Late Sheriff of Cecil County	40..09..10
John Smith present Sheriff of said County	42..15.. 0
John Cook Late Sheriff of Prince Georges County	67..10.. 0
Benjamin Bradford former Sheriff of Cecil County	71..05.. 0
Richard Porter Late Sheriff of Talbot County	07..02.. 6
Jacob Hindman present Sheriff of Talbot County	14..05.. 0
James Martain Late Sheriff of Worcester County	59..07.. 6
John Risteau Late Sheriff of Baltimore County	121..10.. 0
	723..00.. 6½

And that the money mentioned in the said Report on Account of
 the Publick assessments there Remains Due from the following
 Sheriffs the Sum of £222: 0: 8½ Viz.

William Harris Late Sherif of Kent County	4.. 9.. 2
Edward Trippe former Sheriff of Dorchester County	110..15..10½
Richard Porter Late Sheriff of Talbot County	76..08.. 6
Benjamin Bradford former Sheriff of Cecil County	29..13.. 1½
John Thompson Late Sheriff of said County	0..04.. 0¼
	£222..00.. 8½

Your Committee Observe that £200:0:10¾ Part of the Sum of 497:8.6 mentioned in the Account hereunto annexed to have been Paid into the Office by the Treasurers in Virtue of an Act of Assembly made in the Year 1737 ought to have been applyed to the Replacing the money taken Out of the Office in the Year Seventeen hundred and forty One by Virtue of an Act of Assembly then Passed in favour of Charles Sewall Esq^r The money taken Out by the Act of 1734 and the aforesaid Act of 1737 being fully Placed exclusive of the 200:00:10¾ and that the Commissioners have since the Closing the Books applyed the said £200:00:10¾ towards the Replacing the money taken Out by the said Act of 1741

U. H. J.
Liber No. 34

Your Committee further Observe that the Commissionrs have Produced to us a Letter from Mess^{rs} Samuel Hyde & William Hunt Dated the 21 March 1746 in which is Contained the following Paragraph Viz.

The other Relating to the Resolution of Your Assembly Concerning Testimonials from the Bank of England, We shall when we send Our next Accounts send therewith as Satisfactory Testimonials as the Governors & Directions thereof shall Grant

All which is Submitted to the Consideration of Both houses of Assembly this 11 Day of July 1742

John Stoddert	Samuel Chamberlain	John Henry
Abraham Barnes	Thomas Sheredine	

Memorandum Since the Closing the Books Several Sheriffs have Paid in Money and Returned Lists of Insolvencies in Discharge of the Ballance mentioned in this Report viz.

Thomas Muir late Sheriff of Dorchester County for } Ordinary Licencies	£10..09..10
Jacob Hindman Sheriff of Talbot County for Ditto	7.. 2.. 6
John Smith Sheriff of Cecil County for Ditto	33.. 5.. 0
Gilbert Ireland Sheriff of Saint Marys County for } Ditto	16..12.. 6
Samuel Hanson Sheriff of Charles County for Ditto	26.. 2.. 6
William Harris Late Sheriff of Kent County for Ditto	2.. 7.. 6
Ditto for Publick assesment	4..19.. 0
James Martain Late Sheriff of Worcester County for } Ordinary Licencies	59.. 7.. 6
Samuel Smith Late Sheriff of Ann Arundel County a } List of Insolvencies amounting to	27..10.. 0
John Smith Sheriff of Cecil County Ditto	10..00.. 0

D^r The Office for Emitting the Paper Money of Maryland from the 10th day of July 1745 to the 10 Day of April Inclusive

U. H. J. To Ballance of Account then Stated the 10 th July	
Liber No. 34 1745 before a Committee of both houses for such part of the 89990£ as was then Signed	6929: 14: 11
To Principal money paid into the Office on Loans from the 10 th of July 1745 to the 10 th April 1747	4472: 11: 0
To Interest money Paid into Ditto to Same Time	1424: 10: 11
To Money Paid into Ditto by Treasurers in Virtue of an Act of Assembly made in the Year 1737	479: 8: 6
To Money Returned by the Justices of Charles County Surplus of the 30/ 7 Taxable Rec ^d at the first Emitting the Paper Money	20: 10: 0
To Money Paid into the Office by Several Sheriffs on Account of Ordinary Licences since the Report of the 10 th of July 1745	976.. 6.. 4½
To D ^o paid by D ^o on Acco ^t of the Publick Assessments Since the s ^d Report	178.. 19.. 0¾
	£14482..00.. 9½
By money lent on Interest Since the said 10 Day of July 1745	3562..14.. 6
By D ^o paid for the Expedition against Canada by Virtue of an Act of Assembly	4299..11.. 4
By Ditto Paid Daniel Perkins part of the Allowance for Building Kent County Goal	250..00.. 0
By Ditto Paid the Commissioners and Clerks Sal- lerys to the 23 of January 1746	560: 00.. 0
By Ditto Paid the agents for Purchasing Provi- sions for the forces Raised for the Canada Expedition	1100: 08: 4
By money Paid for the office Expences as 7 Ac- count of Particulars	30: 06: 0
	9803: 00.. 2
p. 201 By Ballance Coined and unsigned Money Remain- ing in the Chest	2851.. 7.. 1½
By Ditto by Money now Destroyed which the Commiss ^{rs} are to Coin and Replace out of the Books for Renewment of Torn and De- faced Bills	1827..13.. 6
	4679..00.. 7½
	£14482..00.. 9½

Particulars of Office Expencies Referred to in the
above Account

U. H. J.
Liber No. 34

Richard Dorsey for Cleaning the office &c	14 : 00 : 0
Ditto for fire wood and other necessarys	2..06.. 0
Stephen West junior for two Rheams of } Paper	3 : 00..0
Edmund Jenings Esq ^{re} for advice	5..00..0
James Richard for thre Rheams of Paper	6 : 00..0

£30 : 06 : 0

Memdm money appropriated for Calvert, Talbot and Cecil Counties Goals but not issued or applied	} 1500..00.. 0
Remains unappropriated of the af ^d 89990	
	3179..00.. 7½

The following Message is sent to the Lower house with the Bill
for Dividing Prince Georges County; by Daniel Dulany Esq^{re}

By the Upper house of Assembly. 11 July 1747

Gentlemen We cannot agree to the amendment you Propose
because we are apprehensive that it would be Inconvenient to the
very People whom the Legislature Intends to favour and Indulge;
for should the Time be Limited as you Propose it may Possibly
happen that his Lordship may not Receive the Bills time Enough
to Consider it and Intimate his dessent to it in Cace he shall think
fit to dissent before some Progress in Carrying it into Execution
which would be attended with the Ill Consequences mentioned in
our former Message; Whereas if it be Left in the manner we have
Proposed; an oppertunity may Possibly happen for his Lordship
to Signifie his Pleasure in so short a Time; that the Court house
and Prison may be Built before December 1748, and the People
Receive the Advantage Designed them Long before that Time which
we hope You will Consider, and that you will agree to the amend-
ment as Proposed by this house

Signed p Order John Ross Ct Up. H.

Read the second time the Bill Entituled an Act to prevent the p. 202
Sale of any the Parishes within this Province, and the Bill Enti-
tuled an Act for issuing writts of Replevin out of the County Courts
of this Province and will not Pass; and sent to the Lower house by
Cof Lloyd.

Read the second Time the Bill Entituled an Act reviving an Act
Entituled an Act for the speedy and Effectual Publication of the
Laws of this Province, and for the Encouragement of Jonas Green
of the City of Annapolis Printer, and to other Purposes therein
mentioned; Passed and Sent to the Lower house by Cof Hammond

U. H. J. Ordered that the Clerk of this house receive the same fees on all
 Liber No. 34 private Bills Passed this Session as are allowed by the Lower house
 to their Clerk

Two Engrossed Bills from the Lower house by Mess^{rs} Ennals &
 Bond One Entituled an Act for Raising three half Pence p^{d} on
 all Tobacco Exported out of this Province for the Use of the Gov-
 ernor the other Entituled an Act for Continuing an Act of Assembly
 of this Province Entituled an Act ascertaining the Gauge and Tare
 of Tobacco hogsheads and to Prevent Cutting Cropping and Defac-
 ing Tobacco taken on Board Ships or Vessells upon freight, Thus
 Subscribed 11 July 1747

Read and assented to by the Lower house of Assembly
 Signed p^{d} Order M Macnemara Cl Lo H.

Read and assented to by this house and ordered to be so Sub-
 scribed

The following Message is sent to the Lower house with the
 Journall of Accounts by Edmund Jenings Esq^{re}

By the Upper house of Assembly 11 July 1747

Gentlemen By your former Several Messages on the first of
 June 1744, 28 September 1745 & 4 July 1746 you will find we
 Desired the following allowance to be made in the Journall

1st The Remainder of 30960^{libs} of Tobacco Due to the Late
 Governor after Deduction of 21810^{libs} of Tobacco & 240^{libs} Tobacco
 being 8910^{libs} Tobacco

2^d 1440^{libs} Tobacco Due to the present Governor for Twelve
 Proclamations in the Year 1742

3^d Several Accounts Laid before this house in 1744 by the
 Printer and then Sent to Your house

4th Two Accounts Due to M^r Ross Clerk of the Council and this
 house for Publick Services the One for 3038^{libs} Tobacco & the other
 for a Ball. of £120:7:9 Currency

p. 203 5th The Sum of 918:14:6 Disbursed by the Governor in Build-
 ing the House Designed for the Governor

6th The Quantity of 1560^{libs} Tobacco Due to the Late Governor
 as Chancellor

7th Also the Sum of 5:10:0 Currency Due to the Printer for
 Publick Services.

Besides these Several Ommissions we absolve you have made
 Allowance of only Part of the Governors and Secretarys Accounts
 Claimed from the Publick in the said Years 1744, 1745 & 1746
 which may appear in the Messages of those Years, and as we are
 Unapprized of the Reasons of such Deductions we hope you will

make a full allowance of the said Accounts together with the above mentioned Particulars that the Journal may Pass

U. H. J.
Liber No. 34

Signed p Order John Ross Ct Up H.

Adjourned till 3 of the Clock in the afternoon

Eodem Die post Meridiem

This house met again according to Adjournment

Present as in the Morning

A Message from the Lower house with the Journal of Accounts by Mess^{rs} King and Dashiel

By the Lower house of Assembly 11 July 1747

May it please Your honours You have had the Journal of Accounts under Your Consideration for some Weeks we Expect a Conclusion of this Session to day and Realy have not Time to Enquire into the Legality or equity of the whole of the Several Demands you Desire by Your Message of this Day by the honourable Edmund Jenings Esq^r to be added to the Journal; as it now stands its very Large, we assure you that all Legal and Rightfull Demands, from the Publick shall be allowed by Us at our next meeting therefore hope you will Pass the Journal herewith sent as it now stands

Signed p Order M Macnemara Ct Lo H.

An Engrossed Bill from the Lower house by Mess^{rs} Harris & Wilkinson. Entituled an Act Reviving an Act Entituled for the Speedy and Effectual Publication of the Laws of this Province and for the Encouragement of Jonas Green of the City of Annapolis Printer & to other Purposes therein mentioned Thus Subscribed 11 July 1747

Read and assented to by the Lower house of Assembly

Signed p Order M Macnemara Ct Lo H.

Read and assented to by this house and ordered to be so Sub- scribed p. 204

The following Message is sent to the Lower house with the Journal of Accounts by Co^t Plater

By the Upper house of Assembly 11 July 1747

We have Considered Your Message sent with the Journal of Accounts and do assure you of Our Earnestness to Comply with you as far as can be Expected in Reason or Justice, therefore we are willing to Referr the allowance of all the Articles mentioned in Our Message to the next Session in a firm Expectation of having them Satisfied Except such Articles as may Relate to a Reduction of the Quantum of fees for such Services in the Chancellors and Secretarys Accounts as the Publick is Beyond Dispute Chargeable with and which may be Easily Distinguished by the Accounts Lodged with the Clerk of Your Committee of Accounts.

U. H. J. This is such a Point as we cannot recede from & more Especially
Liber No. 34 as no Journal ever Passed with such a Disallowance and therefore
we hope you will make the allowance accordingly

Signed *p* order John Ross Ct Up. H.

The following Message from the Lower house by Mess^{rs} Hooper & Dashiel

By the Lower house of Assembly 11 July 1747

May it please Your Honours Agreeable to Your Message of this Day by George Plater Esq^r we have made the Allowance of fees to the Chancellor and Secretary & Desire Your honours will Pass the Journal of Accounts herewith sent

Signed *p* Order M Macnemara Ct Lo H.

The Several Paper Bills the Originals of which have Passed this house this Session are Sent to the Lower house by Col Lloyd

The Journals of Accounts being read are assented to and sent to the Lower house by Col Hammond

A Message from the Lower house by Mess^{rs} Lloyd & Gresham

By the Lower house of Assembly 11 July 1747

May it please Your honours This house is preparing a Levy Bill
p. 205 and Propose that the Money Demands mentioned in the Journal of Accounts should be Discharged in Money by the Treasurers of this Province if your house agree thereto the Bill shall be formed accordingly

Signed *p* Order M Macnemara Ct Lo H.

The following Message is sent to the Lower house by Daniel Dulany Esq^r

By the Upper house of Assembly 11 July 1747

Gentlemen This house is willing that the Demands made in money in the Journal of Accounts be Discharged by the Treasurers of this Province as Proposed in Your Message of this Day by Mess^{rs} Loyd and Gresham

Signed *p* Order John Ross Ct Up H.

A Message from the Lower house by M^r Worthington and others.

By the Lower house of Assembly 11 July 1747

May it please Your Honours This House hath appointed Col Edward Sprigg, Doctor Charles Carroll, Major Thomas Sheredine, M^r Thomas Worthington, M^r Turnor Wootton & Major Henry Hall as a Committee of this house to meet and apportion the Publick Levy and Desire to know what members your house will Please to Nominate to Joyn them in the said Committee that the Bill now Preparing for that Purpose may be filled up.

Signed *p* Order M Macnemara Ct Lo H.

The following Message is Sent to the Lower house By Col Tasker

By the Upper house of Assembly 11 July 1747

Gentlemen This House hath appointed Benjamin Tasker Esq^r Edmund Jenings Esq^r Col Charles Hammond Phillip Thomas Esq^r

Daniel Dulany Esq^r and Col Benjamin Tasker to Joyn the Members
Named by Your house as a Committee to meet and Apportion the
Publick Levy Signed p Order John Ross Cl Up H.

U. H. J.
Liber No. 34

A Bill from the Lower house by Mess^{rs} Sheredine and Henry
Entituled an Act for the Assesment and Payment of the Publick
Charge of this Province Thus Subscribed

By the Lower house of Assembly 11 July 1747

Read the first and second time by an Especial Order and will Pass.
Signed p Order M Macnemara Cl Lo H.

Read the first and Second time by an Especial Order in this House p. 206
Passed and Sent to the Lower house by Col Hammond

An Engrossed Bill from the Lower house by Mess^{rs} Gresham &
Handy Entituled an Act for the assesment and Payment of the Pub-
lick Charge of this Province thus Subscribed 11 July 1747

Read and assented to by the Lower house of Assembly
Signed p Order M Macnemara Cl Lo H.

Read and Assented to by this house & ordered to be so Subscribed
the Paper Bill so Engrossed is sent to the Lower house by Sam:
Chamberlain Esq^r

Mess^{rs} Loyd and Dulany from the Lower house acquaint his Ex-
cellency their house hath no Business before them.

Edmund Jenings Esq^r and Col Tasker are sent to the Lower
House to acquaint the Speaker that his Excellency Requires his im-
mediate attendence with the Lower house in the Upper house to see
the Laws Passed Both houses this Session Receive the Assent

The Lower house attended by their Speaker Present to his Excel-
lency the following Bills Viz.

N^o 1st An Act for amending the Staple of Tobacco for prevent-
ing frauds in his Majestys Customs & for the Limitation of Officers
fees.

2^d An Act for the Tryal of all Maters of fact in the Several
Counties where they have Arisen or shall arise.

3^d An Act to Remedy some Preceedings in the Court of Charles
County & to prevent the Removal of the Records from the Publick
Offices.

4th An Act to Remedy some Defects in an Indenture of Bargain
and Sale made and Executed by Michael Curtis and Sarah his wife
Late of Saint Marys County Deceased to Charles Carrol Esq^r Late
of the City of Annapolis Deceased

5th An Act to Prohibit the Raising of Swine and Geese in
Princess Ann Town in Somerset County.

6th An Act to Prohibit the Raising of Swine and Geese in Ox-
ford Town in Talbot County

U. H. J. 7th A supplementary Act to the Act Entituled an Act for Laying
 Liber No. 34 out the Town a new commonly called Snow hill Town in Somerset
 County

p. 207 8th An Act Enabling and Requiring the Clerk of Baltimore
 County Court to Record a Deed of Bargain and Sale from Morgan
 Murray to Mary Stevenson and making Valid the same

9th An Act empowering the Vestrymen and Church Wardens of
 All Saints Parish in Prince Georges County or of the County
 wherein the said Parish shall be to Purchase three seperate Acres
 of Land in the said Parish whereon to Build a Church and Two
 Chappels of Ease, and to empower the Justices of Prince Georges
 County or of the County wherein the said Parish shall be to Levy
 on the Taxable Inhabitants of the said Parish the Sum of three hun-
 dred Pounds Current Money

10. An Act to Cutt off the Entail of Two hundred Acres of
 Land part of a Tract of Land called Saint Patricks hill Lying in
 Charles County and to envest Thomas Hussey Lockett with an
 Estate in fee Simple in the said Land and to Entail a Tract or Parcel
 of Land called Waidstones Enlargement and Part of a Tract of
 Land called Waidstone Lying in Charles County aforesaid in Lieu
 thereof

11th An Act continuing an Act Entituled an Act to prevent
 Cutting up Tobacco Plants Destroying Tobacco and Tobacco houses
 and for ascertaining the Punishment of Criminals Guilty of the said
 Offences

12th An Act continuing an Act Entituled an Act for Punishment
 of horse Stealers and other Offenders.

13th An Act Continuing an Act Entituled an Act to prevent the
 Injouring of Harbours within this Province & for Repealing the
 act therein mentioned

14th An Act Continuing an Act of Assembly of this Province
 Entituled an Act for the more Effectual Punishment of Certain
 Offenders and for taking from them the Benefit of Clergy

15th An Act Continuing an Act Entituled a Supplementary Act
 to an Act Entituled an Act Laying an Imposition on Negroes and
 Several Sorts of Liquors Imported and also on Irish Servants to
 prevent the Importing Too Great a Number of Irish Papists into
 this Province

p. 208 16th An Act Continuing an Act of Assembly of this Province
 Entituled a Supplementary Act to the Act Entituled an Act for the
 more Effectual Punishment of Negroes and other Slaves and for
 taking away the Benefit of Clergy from Certain Offenders and to
 an Act Entituled an Act to prevent the Tumultious meeting and
 other Irregularities of Negroes and other Slaves and Directing the
 manner of Trying Slaves.

17th An Act to prevent Certain Evils and Inconveniences attending the Sale of Strong Liquors and Runing of horse Races near the Yearly meetings of the People Called Quakers and to prevent the Tumultious Concourse of Negroes and other Slaves During the said Meetings. U. H. J.
Liber No. 34

18th An Act Impowering certain Commissioners therein mentioned to Lay out and Set a Price or Cause a Price to be set on Two Acres of Land in Saint Margarets Westminster Parish in Ann Arundel County whereon the Chappel of Ease belonging to the said Parish now Stands

19th An Act for Raising three Pence Sterling p hhd on all Tobacco to be Exported for Purchasing Arms and Ammunition and for an immediate Suply of Armes for the Defence of this Province

20th An Act to Enable Onorio Razolini to Convey in Right of Elisabeth Calvert an Infant to George Plater Esq^r Certain Lands therein Mentioned

21st An Act for the Enlargement of Baltimore Town in Baltimore County and other Purposes therein mentioned

22^d An Act for Repairing and amending the Publick and County Goal in the City of Annapolis

23rd An Act to prevent evils Arising from the Entering up Judgements upon Bonds commonly called Judgement Bonds to Direct the manner of issuing Executions on Loan Office Bonds and to Regulate certain fees therein mentioned

24th An Act Repealing an Act of Assembly Entituled an Act to enable the Vestrymen and Church Wardens for the Time being of S^t Ann's Parish in Ann Arundel County to Lease certain Lotts in the City of Annapolis in manner and to the Uses therein mentioned and to enable the said Rector Vestrymen and Church Wardens to Lease certain Lotts of Land within the said City of Annapolis

25th An Act for Raising a Duty of three half pence p lhd on all Tobacco Exported out of this Province for the Use of the Governor

26th An Act for Continuing an Act of Assembly of this Province Entituled an Act ascertaining the Gauge and Tare of Tobacco hogsheads and to prevent Cutting Cropping and Defacing Tobacco taken on Board Ships or Vessells upon freight. p. 209

27th An Act Reviving an Act Entituled an Act for the Speedy and Effectual Publication of the Laws of this Province and for the Encouragement of Jonas Green of the City of Annapolis Printer and to other Purposes therein mentioned

28th An Act for the assesment & Payment of the Publick Charges of this Province

All which his Excellency Passed into Laws in the usual form by Sealing them with the Right Honourable the Lord Proprietarys

U. H. J. Great Seal at Arms and Subscribing them on behalf of the Right
 Liber No. 34 Honourable the Lord Proprietary of this Province I will this Be
 a Law

After which his Excellency was pleased to Conclude this Session
 with the following Speech.

Gentlemen of the Upper & Lower house of Assembly

I cannot take my Leave of you at this time without Expressing
 my Satisfaction, at the Harmony and Good agreement that has
 Subsisted Between the several Branches of the Legislature During
 the Long Session of Assembly; and I flatter myself that our pro-
 ceedings will meet with the approbation of every man of sence and
 Candour who is a well wisher to the Happyness of his Country

Gentlemen of the Lower house

I think my self Obligated to Return you Particularly my thanks for
 the Regard you have shewn to myself; and as I have the pleasure
 to think you are fully Perswaded of my Inclination for your well-
 fare I make no Doubt of the Continuance of Your good Opinion of
 me as I have in Reality nothing more at heart than to be Instru-
 mental in Advancing the Trade Riches and Prosperity of the
 Province

Gentlemen The Business of this Session being at an End I have
 with the Advise of his Lordships Council of State thought fit to
 Prorogue this Assembly to the first Tuesday in October next and
 you are to take notice you are Prorogued to that Day accordingly

p. 210 Thus Ends this Session of Assembly begun and held at the City
 of Annapolis the Sixteenth Day of May and Ending the 11th Day
 of July following in the thirty third year of his Lordships Domin-
 ion and in the Twenty first year of his Majestys Reign Annoq
 Domini 1747

J Ross Cl.

PROCEEDINGS

THE LOWER HOUSE OF ASSEMBLY

At a Session of Assembly held at the City of Annapolis, on Saturday the Sixteenth Day of May 1747, and in the Thirty third year of the Dominion of the Right Honourable Charles Lord and Proprietary of the Province of Maryland and Avalon Lord Baron of Baltimore &c (His Excellency Samuel Ogle Esq^r Governor) the following Members appeared in the Lower House of Assembly, viz.

L. H. J.
Liber No. 46
p. 685
1747
May 16

The Honourable Colonel Edward Sprigg Speaker

ffor St. Marys County

M^r Philip Key

Major Abraham Barnes

ffor Talbot County

M^r Nicholas Goldsborough

M^r William Thomas

M^r Robert Lloyd

ffor Kent County

M^r Matthias Harris

M^r John Gresham

M^r Richard Gresham

M^r George Wilson

ffor Cecil County

M^r Joshua George

Cap^t Nicholas Hyland

M^r Benjamin Pearce

Capt. Peter Bayard

ffor Anne Arundel County

Major Henry Hall

D^r Charles Carroll

M^r Thomas Worthington

ffor Baltimore County

Major Thomas Sheredine

Capt. John Paca

ffor Calvert County

M^r Walter Smith

for Prince Georges County

M^r Turnor Wootton

ffor Queen Anne's County

M^r Thomas Hammond

Capt. Edward Tilghman

Capt. William Hopper

ffor the City of Annapolis

Capt. Robert Gordon

M^r Walter Dulany

ffor Worcester County

M^r Thomas Robins

Co^t John Henry

Co^t John Scarborough

Capt. John Purnell

ffor Somerset County

Co^t Robert King

William Stoughton Esq^r

Co^t George Dashiell

M^r Thomas and M^r Harris were sent to acquaint the Governor that a number of Members sufficient to compose the Lower House of Assembly, were Convened at the Stadt House.

L. H. J. Col. Tasker and Col. Lee, from the Upper House acquaint M^r
Liber No. 46 Speaker, that the Governor Requires the attendance of the Lower
house in the Upper House.

M^r Speaker left the Chair, and with the members of the Lower
House, went to the Upper House, when his Excellency made the
following Speech. (See page 454)

p. 686 M^r Speaker, and the other members, returned to the Lower House.

M^r Speaker resumed the Chair

It appearing to the House, that M^r John Dennis one of the mem-
bers for Somerset County, hath accepted the Office of Sheriff of
Somerset County.

Ordered, That M^r Speaker Issue his Warrant, directed to the
Secretary of this province, to make out a New Writ of Election, that
the free Voters of the said County may proceed without Delay, to
make Choice of a Delegate to Serve in this Assembly, in the room of
the said John Dennis

The House Continues the Several Committees, with the several
Clerks, as were last Session.

Resolved, That the Hours of sitting, during this Session, be from
nine o'Clock in the morning until Twelve, and from Two in the
afternoon until six

Ordered, That M^r Dulany acquaint the Reverend M^r Gordon,
that he is desired, by the House to Read Divine Service, Morning
and Evening, during this Session

Ordered, That the Committee of Laws prepare an Address to the
Governor, on his Speech.

The House adjourns til Monday Morning 9 of the Clock.

May 18

Monday, May 18. 1747

The House met according to adjournment, M^r Philip Hammond,
D^r Buchanan, Cap^t Harrison, M^r Brome Col. John Hall, and M^r
John Stoddert, appeared in the House

M^r Hammond from the Committee of Laws, delivers to M^r
Speaker an Address to the Governor; which was read, approved, and
ordered to be Ingressed

The following Address, viz^t.

To his Excell^y Samuel Ogle Esq^r Governor of Maryland;

The Humble Address of the House of Delegates of the said
Province

May it please your Excellency

We very gladly Embrace this Opportunity of congratulating your
ffamily's safe Arrival among us, and return your Excellency our
hearty Thanks for your kind Speech at the opening of this Session.

The Welfare and common Security of the province demand our utmost attention, and we shall, in the Course of our Deliberations, consider what may be most Conducive to the publick Good, and promote it in Every Respect accordingly; nor are we without hopes of succeeding therein, from the kind assurance you have been pleased to give us, of your Sincere Inclinations to advance the happiness and prosperity of the province, and of making it your Constant Rule never to propose any thing to us as Governor, that you shall not think for the Good of the Country as a planter.

L. H. J.
Liber No. 46

Was brought in Ingrossed, and was Read and assented to, and Signed by Order of the House, by the Honourable Speaker.

Col. King and M^r Stoddert, were sent to acquaint his Excellency, this House hath prepared an Address to him, and desires to know when and where he will please to Receive it; they return and acquaint M^r Speaker, the Governor Signified his pleasure to Receive the Address in the Conference Chamber.

It appearing to the House, that William Stoughton Esq^r since his being Elected a member of Somerset County, hath accepted of the Office of Deputy Naval Officer of Pocomoke, under Samuel Chamberlaine Esq^r

Resolved, That his acceptance of such Office, hath disqualified him from his present seat in this House, and that he be discharged from further Attendance; with which M^r Speaker acquainted him accordingly.

Ordered, That M^r Speaker Issue his warrant to the Secretary of this province, to make out a new Writ of Election, directed to the Sheriff of Somerset County, in the usual manner, to make Choice of a Delegate to serve in this present Assembly for the said County, in the Room of the said William Stoughton.

Col. King and Twelve more, were sent to present the Address to the Governor.

On Motion of a Member, that a Bill may be brought in for Regulation of Officers fees, within this province. Leave is given; Ordered that the Committee of Laws prepare and bring in the same accordingly.

On Motion of a Member, that a Bill may be brought in for Trial of all matters of fact in the several Countys where they have arisen, or shall arise; Leave is given: Ordered, That the Committee of Laws prepare and bring in the same accordingly.

The House Adjourns till To Morrow Morning 9 of the Clock

p. 687

Thursday Morning May 19. 1747

May 19

The House met according to Adjournment, M^r Mackall, and M^r John Goldsborough appeared in the House

L. H. J.
Liber No. 46 On Motion of a Member, that a Bill may be brought in, to encourage the making of Hemp and flax within this province and to Repeal all former Acts of Assembly made for that purpose; Leave is given: Ordered, That the Committee of Laws prepare and bring in a Bill accordingly.

On motion of a Member, that a Bill may be brought in for Issuing Writs of Replevin out of the County Courts of this province, Leave is given. Ordered, That the Committee of Laws prepare and bring in a Bill accordingly.

On Motion of a Member, that a Bill be brought in to Raise a fund for providing Arms and Ammunition for Defence of this Province, Leave is given: Ordered, That the Committee of Laws prepare and bring in a Bill accordingly.

Mr Goldsborough, from the Committee of Aggrievances, delivers to Mr Speaker the following Report, viz.

By the Committee of Grievances, and Courts of Justice, May 19. 1747

Whereas it is Represented to your Committee, that Mr James Richards, an alien, Born out of the Kings Allegiance within the Dominions of France, hath been appointed and Commissioned Sheriff of Baltimore County, and the said Richards hath not been an Inhabitant within any of his Majesty's Plantations of America, for seven years, nor Naturalized under the Statute of the 13th of Geo: 2^d entitled, An Act for Naturalizing such foreign Protestants, and others therein mentioned, as are settled, or shall Settle, in any of his Majesty's Colonies in America, that appears to your Committee; therefore your Committee humbly conceive, that by the Laws and Statutes of England, the said James Richards, tho' naturalized by any Act of this province, is not qualified for such Office, and humbly take leave to Refer your Honourable House to the Statute of the 7th and 8th of William 3^d Chap. 22, Sect. 12th the 12th and 13th of William 3^d Chap. 2. Sect 3^d the 1st Geo. 1st Chap. 4 Sect 1, and 2. Your Committee Resolve, that the appointment of Aliens and Strangers, into Offices of profit and Trust, in the Courts of Justice, and other places, in prejudice to his Majesty's Liege Subjects, his Lordships Tenants, residing within this province, is Contrary to Law, and an Aggrievance, and contributes to Alienate the good affections of the people, from his Lordship, his good Rule and Government; but is humbly Submitted to the Consideration of your Honble House. Signed per Order W^m Wilkins, Clerk

Which Report was Read, and Referred for Consideration in the afternoon

The House adjourns to Two of the Clock.

Post Meridiem

L. H. J.
Liber No. 46

The House met according to adjournment

Ordered, That the Committee of Accounts Receive no Claim against the publick, after next Saturday sevensnight

On Motion of a Member, that a Bill be brought in, for the Regulation of the Staple Tobacco; Leave given. Ordered, That the Committee of Laws, prepare and bring in a Bill accordingly.

A Petition of Charles Carroll Esq^r praying Leave to bring in a Bill to make Valid a Deed of Bargain and Sale, between Michael Curtis, and Sarah his wife, of Saint Marys County Deceased, to Charles Carroll Esq^r Deceased, the petitioners ffather, was read, and leave given to bring in a Bill according to prayer

The Governor communicated to M^r Speaker the following Answer viz.

Gentlemen of the Lower House of Assembly

I am very much obliged to you for your kind Address, and shall be glad of Every Opportunity of giving you the Clearest opportunity of the sincerity of my Inclinations, to promote the happiness and prosperity of the province

Sam: Ogle

On Consideration of the Report from the Committee of Aggrievances relating to M^r James Richard, the House Concurs therewith; and Resolved, That an Address be prepared to his Excellency, on the Subject matter of the said Report.

Ordered, That the Committee of Laws, prepare and bring in an Address accordingly.

Major Sheredine, Co^t John Henry, M^r John Stoddert, M^r Edward Tilghman, and Major Abraham Barnes, are appointed a Committee of this House, to inspect the Office and proceedings of the Commissioners or Trustees, for emitting Bills of Credit, established by Act of Assembly.

Richard Lee Esq^r from the Upper House, delivers to M^r Speaker Sundry petitions from the Inhabitants of St. Mary's Charles, Prince George's and Anne Arundel Counties, relating to the Staple of Tobacco; indorsed "By the upper House, referred to the Consideration of the Lower House."

M^r Hammond, from the Committee of Laws, delivers to M^r Speaker an Address to the Governor; which was Read, approved, and Ordered to be Ingrossed. p. 688

The House Adjourns 'til To Morrow Mornings 9 of the Clock

Wednesday Morning May 20. 1747

May 20

The House met according to adjournment &c.

Captain Addison appeared in the House

L. H. J.
Liber No. 46 Col Tasker, from the Upper House, deliver M^r Speaker a Petition of Sundry Inhabitants of Kent County relating to the Staple of Tobacco Indorsed, "By the Upper House of Assembly: Referred to the Consideration of the Lower House"

The following Message (See page 457)

Sent by M^r Sheredine and Col. Henry

Ordered, That the Serjeant at Arms attending this House, send for M^r Bond, M^r Mills, M^r Smallwood, M^r Courts, M^r Wilkinson, Col. Hooper, Capt. Ennalls, Members of this House, to attend the Call of the House on Monday next, being the 25th Instant.

M^r Hammond, from the Committee of Laws, delivers to M^r Speaker the following address Ingrossed viz.

To his Excellency Samuel Ogle Esq^r Governor of Maryland

The humble Address of the House of Delegates of the said province.

May it please your Excellency

The preservation of the Rights of his Majesty's Subjects, his Lordships Tenants within this province obliges us to Represent to your Excellency, that, contrary to Law, M^r James Richards, an Alien, born out of the Realm of Great Britain, hath been appointed and Commissioned, and still continues, Sheriff of the County of Baltimore, as appears by the Report of a Committee of this House hereunto annexed; to which we pray leave to refer you and we humbly hope that your Excellency, on due Consideration thereof, will act therein according to the Right of the Subject, and known Laws of the Land.

Which was Read and Assented to, and, on behalf of the House, signed by the Honourable Speaker.

D^r Buchanan, and Col. Hall were sent to acquaint the Governor this House hath prepared an address to him, and desires to know when and where he will please to receive it, They return and acquaint M^r Speaker, the Governor will Receive the address immediately in the Conference Chamber

D^r Buchanan, and five more, were Ordered to present the Address
The House adjourns until 2 of the Clock

Post Meridiem

The House met according to Adjournment

M^r Lecompte and M^r Sullivane appeared in the House

D^r Carroll one of the Agents appointed by an Act entitled an Act for Issuing and paying out of the Office of the Commissioners or Trustees for emitting Bills of Credit, established by an Act of Assembly, the sum of Nine Hundred pounds Currant money, in

Bills of Credit; As also for the payment of Two Hundred pounds Sterling money, for purchasing provisions for his Majesty's forces raised in this province, and other purposes; and for continuing part of an Act therein mentioned, delivers to M^r Speaker an Account relating to the provisions remaining in his Hands, purchased in pursuance of the said Act; which was Read and approved.

L. H. J.
Liber No. 46

Samuel Chaniberlaine Esq^r from the Upper House, delivers M^r Speaker the following Message, (See page 457)

D^r Carroll from the Committee of Laws, delivers M^r Speaker a Bill entitled, an Act encouraging the making Hemp and flax within this province, and for Repealing the Laws therein mentioned, which Bill was Read the first time, and Ordered to lie on the Table.

p. 689

On Motion of a member, Leave given to bring in a Bill to Continue an Act, entitled, an Act to prevent cutting up of Tobacco plants, destroying Tobacco and Tobacco Houses; and for ascertaining the punishment of Criminalls guilty of the said Offences

Leave given to bring in a Bill to continue an Act Entituled, an Act continuing an Act to prevent the injuring Harbours within this province; and for repealing the Act therein mentioned

On Motion, Leave given to bring in a Bill to Continue an Act entituled, an Act continuing an Act entituled, a Supplementary Act to an Act entituled, an Act laying an Imposition on Negroes, and Several sorts of Liquors imported, and also on Irish Servants, to prevent the importing too great a Number of Irish papists into this province.

On motion, Leave given to bring in a Bill to continue an Act entituled An Act continuing an Act of Assembly of this province entituled, an Act for the more effectual punishment of certain Offenders, and for taking from them the Benefit of Clergy.

Leave given to bring in a Bill to continue an Act entituled, an Act continuing An Act of Assembly of this province entituled, An Act for the more effectual punishment of certain Offenders, and for taking from them the Benefit of Clergy.

Leave given to bring in a Bill to continue an Act entituled an Act continuing an Act of Assembly of this province entituled, a supplementary Act to the Act entituled, an Act for the more effectual punishment of Negroes and other Slaves, and for taking away the Benefit of Clergy from certain Offenders; and to An Act entituled, An Act to prevent the Tumultuous Meetings and other Irregularities of negroes and other Slaves, and directing the manner of Trying Slaves.

On motion, Leave given to bring in a Bill to continue an Act entituled, An Act for punishment of Horse-Stealing and other Offenders.

The House adjourns 'til To Morrow Morning 9 of the Clock

L. H. J.
Liber No. 46
May 21

Thursday Morning, May 21, 1747

The House met according to adjournment, &c.

M^r Philip Hammond, hath Leave of the House to go Home.

On motion of a Member, that a Bill be brought in for the Benefit of the poor, and Encouragement of Industry; Leave is given; Ordered, That the Committee of Laws prepare and bring in a Bill accordingly.

M^r Lloyd, from the Committee of Laws, deliver to M^r Speaker, a Bill, entituled an Act, for Issuing Writs of Replevin out of the County Courts of this province; which was read the first time, and Ordered to lie on the Table

Major Hall, from the Committee of Laws, delivers to M^r Speaker, a Bill, entituled, an Act continuing An Act, entituled An Act for punishment of Horse Stealers, and other Offenders.

A Bill, entituled, An Act continuing An Act of Assembly of this province, entituled, A Supplementary Act to the Act, entituled, An Act for the more effectual punishment of Negroes, and other Slaves; and for taking away the Benefit of Clergy from certain Offenders; And to An Act entituled, An Act to prevent the tumultuous meeting, and other Irregularities, of Negroes, and other Slaves; and directing the manner of trying Slaves.

A Bill, entituled, An Act continuing An Act of Assembly of this province, entituled, An Act for the more effectual punishment of certain Offenders, and for taking from them the Benefit of Clergy.

A Bill, entituled, An Act, continuing An Act, to prevent the Injuring of Harbours within this province; and for Repealing the Act therein mentioned.

A Bill, entituled, an Act continuing an Act, entituled, an Act to prevent cutting up Tobacco plants, destroying Tobacco, and Tobacco Houses, and for ascertaining the punishment of Criminals guilty of the said Offences

And a Bill, entituled, an Act, continuing an Act, entituled a Supplementary Act, to an Act, Entituled, An Act laying an Imposition on Negroes, and several sorts of Liquors imported, and also on Irish Servants, to prevent the importing too great a number of Irish papists into this province; which Bills were Severally Read the first Time, and Ordered to lie on the Table.

The House Adjourns 'til 2 of the Clock

Post Meridiem

The House met according to Adjournment

The Governor communicated to M^r Speaker the following Answer, viz.

Gentlemen of the Lower House of Assembly

L. H. J.
Liber No. 46
p. 690

I Have considered your Address, with the Report of your Committee, in Relation to M^r Richard, and am of Opinion, that the Act of Assembly made in his favour, however it might be intended, is expressed in such a Manner, as not Sufficiently to enable him to hold any Office of Trust within the Province; I will therefore appoint another Sheriff for Baltimore County, in his stead and shall, on all Occasions, be very careful of the Rights and privileges of his Lordships Tenants

Sam. Ogle

Cot Lloyd from the Upper House, delivers M^r Speaker a petition of James Richard, Indorsed, by the Upper House of Assembly, "Referred to the Consideration of the Lower House" which was here Referred for Consideration until To-Morrow Morning.

The House adjourns until To Morrow Morning 9 o'clock

Friday Morning May 22, 1747

May 22

The House met according to adjournment &c.

All members present as yesterday, except M^r Philip Hammond, M^r Mackall and M^r Paca

Capt Hopper hath Leave from the House to be Absent until Monday

D^r Carroll from the Committee of Laws, delivers M^r Speaker a Bill entituled, an Act for the Benefit of the Poor and Encouragement of Industry; which was Read the first time, and ordered to lie on the Table.

On Motion of a Member, Leave is given to bring in a Bill to Divide Prince Georges County.

The petition of M^r James Richard was Read and Rejected

The House adjourns until 2 of the Clock

Post Meridiem

The House met according to adjournment

M^r Wootton delivers M^r Speaker a Bill entituled, An Act to divide Prince Georges County, and to erect a new one, by the name of ffrederick County; which Bill was read the first time, and Ordered to lie on the Table

M^r Goldsborough from the Committee of Laws, delivers M^r Speaker a Bill entituled, An Act for the Trial of all matters of ffact in the several Counties where they have arisen or shall arise; which was Read the first time, and ordered to lie on the Table

The House adjourns 'til To Morrow Morning 9 of the Clock

L. H. J.
Liber No. 46
May 23

Saturday Morning, May 23. 1747

The House met according to adjournment, &c.

Col. Hooper, and Cap^t Ennals, appeared in the House

On motion of a Member, that the reason of Assessing and Levy-
ing from the Inhabitants of this province, one pound of Tobacco
per poll in 1744. and the application of the same, be enquired into;
Resolved, That the Consideration thereof be referred to Thursday
next.

A Bill, entituled, an Act to Remedy some Defects in an Inden-
ture of Bargain and Sale, made and executed by Michael Curtis and
Sarah his wife, late of St. Mary's County, Deceased, to Charles
Carroll Esq^r late of the City of Annapolis Deceased was Read the
first Time, and ordered to lie on the Table

Richard Lee Esq^r from the Upper House, delivers to M^r Speaker
Sundry petitions from several Inhabitants of Kent County, in Rela-
tion to the Staple Commodity of Tobacco; Indorsed " By the Upper
House of Assembly, referred to the Consideration of the Lower
House of Assembly."

Samuel Chamberlaine Esq^r from the Upper House delivers to
M^r Speaker a petition from Sundry Inhabitants of Dorchester
County, relating to the Staple of Tobacco; indors'd, By the Upper
House of Assembly, referred to the Consideration of the Lower
House."

The House adjourns 'til Monday Morning, 9 of the Clock

May 25
p. 691

Monday, May 25. 1747

The House met, the members were Called, and all appeared, ex-
cept M^r Philip Hammond, M^r Smallwood M^r Courts, M^r Wilkinson,
Capt. John Addison, M^r Joseph Hall, and M^r Pemberton.

On Reading a petition of Thomas Chase, Rector of S^t Paul's
parish, in Baltimore County, to this House; the same is Referred to
the Gentlemen of the Committee of Aggrievances, as a Committee
appointed to enquire into the allegations, and examine the ffacts con-
tained in the said petition; and Ordered, That the said Committee
make Report to the House thereon

It being moved by a member, That the Publick and County Goal,
in the City of Annapolis, is in a ruinous State and Condition, and
hazardous for the Sheriff of Anne Arundell County to Detain pris-
oners therein; Ordered, That M^r Smith, Col John Hall, Major
Henry Hall, and M^r William Thomas, be a Committee to enquire
into the State and Condition of the publick and County Goal afore-
said; and that they make Report to the House concerning the same.

The House adjourns until To Morrow Morning 9 of the Clock

Tuesday morning May 26, 1747

L. H. J.
Liber No. 46
May 26

The House met according to adjournment &c.

M^r Philip Hammond and Cap^t Addison appeared in the House

The Bill entituled An Act for encouraging the making Hemp and flax within this province &c. was Read the second time; and the Question was put whether the said Bill shall pass, or not? Carried in the negative.

for the negative

M ^r Key	M ^r King	M ^r Scarborough
Barnes	Dashiel	Paca
Mills	Thomas	John Hall
Bond	Henry	Addison
J. Gresham	Lloyd	Gordon
R. Gresham	I. Goldsborough	Dulany
Harris	Lecompte	Tilghman
Henry Hall	George	Hopper
Brome	Hyland	Robins
Mackall	Bayard	Purnell
Harrison	Sheredine	

For the affirmative

M ^r Wilson	M ^r Goldsborough	M ^r Buchanan
Carroll	Hooper	Wootton
P. Hammond	Ennalls	Stoddert
Worthington	Sulivane	T. Hammond
Smith	Pearce	

It being moved, that the officers fee Bill, and the Bill for Regulation of Tobacco, Ordered to be prepared and brought in by the Committee of Laws, be joined in one Bill; the previous Question being determined, the Question was put whether the Officers fees and the Regulation of Tobacco shall be both in one Bill or not? Resolved in the affirmative.

For the affirmative

M ^r Key	M ^r Harrison	M ^r Bayard
Barnes	King	Sheredine
Bond	Dashiel	John Hall
Mills	Thomas	Addison
I. Gresham	Lloyd	Gordon
R. Gresham	Hooper	Dulany
Harris	Ennalls	Tilghman
Mackall	George	Hopper

L. H. J.
Liber No. 46

For the negative

Mr Wilson	Mr J. Goldsborough	Mr Stoddert
Henry Hall	Lecompte	T. Hammond
Carroll	Sulivane	Robins
P. Hammond	Hyland	Henry
Worthington	Pearce	Scarborough
Smith	Buchanan	Purnell
Brome	Paca	
N. Goldsborough	Wootton	

The House adjourns until 2 of the Clock

Post Meridiem

The House met according to adjournment

Mr Smallwood appeared in the House

p. 692 It being moved by a member, that an Instruction be given to the Committee of Laws, in preparing a Bill for the Regulation of Tobacco, to pursue the plan of the Virginia Law; The Question was put, whether it shall be given as an Instruction to the Committee of Laws, in preparing a Bill for the Regulation of the Staple Tobacco, to pursue the plan of the Virginia Law, so near as it corresponds with the particular Interest of this Province; or to prepare a Bill for destroying Trashy Tobacco, by a Burning Law? Resolved, That it be given to the Committee of Laws as an Instruction, in preparing a Bill for the Regulation of the Staple Tobacco to pursue the plan Virginia Law so near as Corresponds with the particular Interest of this province

For pursuing the Place of the Virginia Law &c.

Mr Key	Mr King	Mr Sheredine
Barnes	Dashiel	Paca
Bond	Thomas	John Hall
Mills	Lloyd	Stoddert
J. Gresham	I. Goldsborough	Addison
R. Gresham	Hooper	Gordon
Harris	Ennalls	Dulany
Henry Hall	George	Tilghman
Mackall	Hyland	Hopper
Smallwood	Pearce	
Harrison	Bayard	

For a Burning Law.

Mr Wilson	Mr Brome	Mr Wootton
Carroll	N. Goldsborough	Henry
P. Hammond	Lecompte	Scarborough
Worthington	Sulivane	Purnell
Smith	Buchanan	

Mr Richard Snowden, being permitted to come into this House, with Several other Gentlemen, to hear the Debates, did, whilst a Member was Debating, accuse him of falshood; which being a great Contempt of the Rights and privileges of this House, the Serjeant at Arms was ordered to take the said Richard Snowden into Custody. L. H. J.
Liber No. 46

Mr Richard Snowden sent the following Letter; viz.
To the Honourable Edward Sprigg Esq^r Speaker of the House of
Assembly of Maryland.
Honourable ffriend,

Hurry'd by my passion, I inadvertently made use of an Expression, which I acknowledge was indecent, and contrary to the privileges of your Honourable House; for which I am sincerely sorry, and heartily beg pardon of your Honourable House, and of that worthy member in particular, for whom I have the greatest Regard: and nothing but an Imagination, that my Credit as a Man of veracity, was at Stake, could have carried me to such a Pitch of Indiscretion. Therefore I am ready to make such Submission, as your Honourable House will please to accept of, from

Their and your Ready ffriend

Richard Snowden

The Serjeant at arms acquainted Mr Speaker he had taken Mr Snowden into Custody, in pursuance of the Order of the House

Ordered, That Mr Snowden attend at the Bar of this House, in the Custody of the Serjeant, which he accordingly did.

Mr Speaker gave him the following Reprimand Viz.

Inasmuch as you have offered an high Indignity to this House in a public Manner, and particularly to a Member thereof, in the Execution of his Duty; you are to ask pardon of this House, and that Member, and at the same time take notice, that the Consideration of your Age and Character, and that what you did is looked upon to be done thro' Inadvertency, hath induced the House to use you with great Indulgence.

Mr Snowden made his Due Submission to the House, and to the Member in particular. Whereupon, he was discharged on payment of the fees to the Serjeant at Arms.

The House Adjourns until To-Morrow Morning 9 o'Clock

Wednesday Morning, May 27. 1747

May 27

The House met according to Adjournment, &c.

Capt. Tilghman, and Mr John Gresham, are added to the Committee of Laws.

Ordered, That the Committee of Laws be empowered to send for persons, papers, and Records

The House Adjourns 'til 2 of the Clock

L. H. J.
Liber No. 46

Post Meridiem

The House met according to adjournment

The Bill, entituled, An Act for Tryal of all matters of ffact in the Several Counties where they have arisen, or shall arise, was Read the second Time, and will pass, and was sent to the Upper House, by Coł. Dashiell and Major Barnes.

p. 693 The Bill, entituled, An Act for Issuing Writs of Replevin out of the County Courts, was Read the Second Time, and will pass and was sent to the Upper House, by M^r Wootton, and Capt. Bayard.

It being moved by a Member from the Committee of Laws, that a Clerk Assistant to the Clerk of that Committee is wanted, and that M^r Matthias Bordley is a person capable; the House appoints him. Ordered, That he Qualify himself before a Magistrate.

Capt. Gordon acquaints M^r Speaker, that M^r Matthias Bordley, Qualified before him, as Clerk Assistant to the Clerk of the Committee of Laws, by taking the several Oaths to the Government, required by Law, by subscribing the Oath of Abjuration, by repeating and signing the Test, and by taking the Oath of Office.

The House adjourns 'til To Morrow Morning 9 of the Clock

May 28

Thursday Morning, May 28. 1747

The House met according to Adjournment &c.

The Bill, entituled, An Act to Remedy some Defects in an Indenture of Bargain and Sale, made and Executed by Michael Curtis, and Sarah his wife &c. was Read the second Time, and will pass, sent to the Upper House by M^r Dulany, and M^r Mills.

Major Hall hath Leave of the House to be absent this Day.

The House adjourns to 2 of the Clock.

Post Meridiem

The House met according to Adjournment

Coł. Tasker from the Upper House, delivers to M^r Speaker a petition of the Rector, Church Wardens, and Vestrymen, of St. Margaret's Westminster Parish; and a petition of the Iustices and Clerk of Charles County; severally referred by the Upper, to the Consideration of the Lower House

An Enquiry into the reason of assessing and Levying one pound of Tobacco per poll, by the Governor and Council, on the Inhabitants of this province, in the year 1744, and in what manner the application thereof was made, being referred for Consideration of the House this Day, and the same being considered; it is Resolved, That his Excellency be addressed thereon.

Ordered, That the Committee of Laws prepare and bring in such Address.

On Motion of a Member, that an Enquiry be made, whether the attorney General hath put in suit the Bond given by Philip Lee Esq^r Deceased, late Naval Officer of North Potomack District, and Robert Ungle Esq^r Deceased, his Bond as Treasurer of the Eastern Shore, according to the address of this House in 1746, to the Governor, and by him directed to be put in suit. L. H. J.
Liber No. 46

Ordered, That the Committee of accounts do make an Enquiry, and Report the same to the House.

The House Adjourns 'til To Morrow Morning 9 of the Clock.

Friday Morning, May 29. 1747

May 29

The House met according to Adjournment, &c.

All Members were present as Yesterday, except Major Hall

M^r Worthington from the Committee of Accounts, delivers M^r Speaker following Report, viz.

By the Committee of Accounts, May 29. 1747

Pursuant to an Order of your Honourable House, your Committee have enquired in the Secretarys office, and can find no proceedings on Philip Lee Esq^r his Bond, as Naval Officer of Potomack, nor on Robert Ungle Esq^r his Bond as Treasurer of the Eastern Shore, directed in the said Order, nor any directions or Orders left with the Clerk of the Provincial Court by the Attorney General, to Issue any process on the said Bonds, or either of them; the Attorney General being gone out of Town, your Committee could not know of him the Reason for omitting the same. All which is humbly submitted to the Consideration of your Honourable House.

Signed per Order, Richard Dorsey, Clerk.

The House adjourn'd 'til 2 of the Clock

Post Meridiem

The House met according to adjournment, and adjourn'd 'til To Morrow Morning 9 of the Clock

Saturday Morning, May 30. 1747

May 30

The House met according to adjournment &c.

All members present as Yesterday, except Major Hall.

M^r Worthington from the Committee of Accounts, delivers to p. 694 M^r Speaker an Account from Thomas Bladen Esq^r against the Province of Maryland, for purchasing of Land, and Building an House for the Residence of a Governor, and for other particulars, On Reading thereof, Ordered, That M^r Smith, Col. Hall, M^r Thomas, M^r John Goldsborough and Col. Scarborough, be a Committee, to

L. H. J. inspect the Deed of purchase of the Land whereon the House is
Liber No. 46 Built; also the Buildings, and other Materials, on the said Land
now being; and that they make Report to the House relating thereto.

Cot Hollyday from the Upper House, delivers to M^r Speaker Sundry petitions of the ffreeholders, and Inhabitants of Cecil County, relating to the Building a new Court House, and fixing it in Charles Town, in said County, referred by the Upper House, to the Consideration of the Lower House.

Daniel Dulany Esq^r from the Upper House, delivers to M^r Speaker a petition of the ffreeholders, and other the Inhabitants, above Great Seneca Branch, in Prince George's County, and a petition of Sundry Inhabitants and ffreeholders of Prince George's County; referred by the Upper House, to the Consideration of the Lower House

The House adjourns until 2 of the Clock

Post Meridiem

The House met—and Adjourn'd 'til Monday Morning 9 of the Clock

June 1

Monday, June 1. 1747

The House met according to adjournment &c.

Major Hall appeared in the House.

Cap^t Addison is added to the Committee of Laws.

The House adjourns to Two of the Clock

Post Meridiem

The House met according to adjournment.

M^r Thomas hath Leave of the House to go home

On Reading the petition of Sundry Inhabitants of Cecil County, Praying Leave to bring in a Bill to Build a new Court House, &c the same was granted, so far as it Relates to the Building a new Court House; the Question was put, whether this House will fix a place where the Court House shall be built, or leave it to the Choice of the ffreeholders of the said County; Resolved, That the Choice of the place where the Court House shall be Built, be left to the Majority of the ffreeholders of Cecil County

The House adjourns til To Morrow Morning 9 of the Clock.

June 2

Tuesday Morning June 2. 1747

The House met according to adjournment, &c.

Col. Hooper, from the Committee of Grievances &c. delivers M^r Speaker the following Report, viz.

By the Committee of Grievances and Courts of Justice June 2^d L. H. J.
1747 Liber No. 46

Whereas Robert Haselop of Charles County, hath Complained to your Committee, that some time in April last, about the 8th as well as he can Remember, M^r John Hanson, Deputy Sheriff of Charles County aforesaid, came to his House, and with him four neighbouring persons; That the said Hanson asked the said Haselop if he was now in the Mind to pay him his ffees; viz. 8/4^d Sterling and 168^l of Tobacco; to which the said Haselop answered in the negative, Then the said Sheriff said, he would distrain for the Land Rents; upon which the wife of the said Haselop went into the House, and brought out a purse, and turned some Money out of the same into the Hand of the said Haselop, viz. £3.5^s Sterling; that is to say, Two Guineas and some Sterling mill'd shillings and six-pences; which he the said Haselop tendered to him the aforesaid Hanson, and told him withal, that if any fee was Due to him in the opinion of M^r Eilbeck, or any other person of understanding, he would pay him: That he the said Hanson absolutely refused the Money aforesaid; and a servant of the said Haselop being at Plow in a ffeild just by, he the said sheriff called to the said Servant to stand still, and said he would distrain a Horse, with which he was then plowing; which he accordingly did, and called to the appraisers to appraise the said Horse, which he told the said Haselop they did to £6 Sterling, and that he was to be sold on Monday, being the fifth Day after, but left the Horse upon the plantation: That the Third Day, the said Haselop Rode the Horse aforesaid to Port Tobacco-Town, and there met M^r Samuel Hanson the Sheriff aforesaid, who called upon him, and asked him if that was the Horse his Brother had appraised at his House the other Day to which he answered, it might, but if he owed anything, it was money, and not a Horse, and he was ready to pay the money; That he said Hanson took the said Horse, for which he the said Haselop could p. 695 have had Twelve pistoles, and as yet hath not returned him any part of what the Horse aforesaid was sold for, in Satisfaction or Recompence thereof

Your Committee humbly Represent, That by the Testimony of M^r William Eilbert, of Charles County, it appears that in March Court 1746, he offered M^r Henry Brook Receiver for his Lordship in the said County 54/ Sterling, or whatever was Due for Land Rents, from Robert Haselop, of said County; his answer was that he had put a List into the Sheriffs Hands, and that Robert Haselop's name was inserted therein, and that the money must be paid to the Sheriff, after which he the said Eilbert returned the money aforesaid to Haselop. It likewise appears by the Testimony of John Blanchett, to your Committee, that some short time after Charles County March Court last, he went along with Robert Haselop to

L. H. J. M^r Samuel Hanson's Sheriff of Charles County, and upon enquiry
 Liber No. 46 if the Sheriff was at home, was told he was; and upon that M^r Hanson opened a parlour Door, where he and M^r William Middleton were, and desired they would walk in, which they accordingly did: That the said Haselop laid Two Guineas and some Mill'd sterling shillings on the Table, and told the said M^r Hanson, that there was the money for his the said Haselop's Land Rents; upon which the said Sheriff stretched his Hand towards the money, as it were to take it, asked the said Haselop if his ffee was there also; to which the said Haselop answered, No; then the said Hanson said, he would not Receive it without his ffee; but did not hear him say what that was. Your Committee humbly conceive that the Tender made by the said Eilbeck to M^r Brook the Receiver, and by the said Haselop to the High Sheriff and his Deputy, before Distress made, were very sufficient and good; and that he the said Brook and the said Sheriff, or either, ought of Right to have Received the money aforesaid, and discharged him the said Haselop from the Rent aforesaid, without any further or other Charge.

Your Committee Resolve, That the Distraining and Taking the said Horse, being a Beast of the plow, as other Distress was to be had on the said Land, was illegal. And likewise Resolve, That the calling or using more than Two appraisers, or appraising the Distress in less than five Days, is contrary to the Statute in such Cases made and provided; and that the taking of the said Horse in manner aforesaid was illegal and oppressive; that the ffees required by the said Sheriff were excessive; that such manner of actings tend to the Ruin of his Majesty's Liege Subjects, and discourage the settling of this province, being part of his Majesty's Dominions, to the prejudice of the proprietarys Tenants, from his said Lordship, his good Rule and Government.

But is all humbly Submitted to the Consideration of your honourable House,

Signed per Order, W^m Wilkins, Clerk.

The House Adjourns 'til 2 of the Clock.

Post Meridiem

The House met according to adjournment &c.

M^r Brome hath Leave of the House to go home

The House taking into Consideration the ffacts contained in the Report brought in this morning from the Committee of Aggrievances, concurs therewith.

Ordered, That the several persons mentioned in the said Report, do attend this House on Tuesday next; and that the Clerk of this House make out Summonses for M^r John Hanson the youngest Deputy Sheriff of Charles County, M^r Samuel Hanson Jun^r Sheriff of Charles County, M^r Henry Brook Receiver of the Quit-Rents for Charles County, persons Complained of in the said Report; and

for M^r Edward Brawner, Augustine Ward, Dennis Dowing, and L. H. J. John Delozer, persons that appraised the Horse mentioned in the Liber No. 46 said Report .

The House adjourns 'til To-morrow Morning 9 of the Clock

Wednesday Morning, June 3. 1747.

June 3

The House met &c. The Members all appeared as yesterday, except M^r Brome.

On motion of a Member from the Committee of Laws, that that Committee being Divided in Opinion, whether or not to allow any fees to the Examiner General, in the Bill now before them relating to Officers fees, is desirous to know the Sense of the House, how they shall proceed therein; the Question was put, whether the Committee of Laws, in regulating the Officers fees, shall take any notice in the Bill preparing for that purpose, of fees to be allowed to an Examiner General, or not? Carried in the negative.

For the negative

M ^r Wilson	M ^r Lloyd	M ^r Wootton
Henry Hall	J. Goldsborough	Stoddert
Carroll	Lecompte	T. Hammond
P. Hammond	Hyland	Tilghman
Worthington	Pearce	Hopper
Smith	Sheredine	Robins
Mackall	Buchanan	Scarborough
Smallwood	Paca	Purnell
N. Goldsborough	John Hall	

For the Affirmative

M ^r Key	M ^r Harrison	M ^r George
Barnes	King	Bayard
Bond	Dashiel	Addison
Mills	Thomas	Gordon
J. Gresham	Hooper	Dulany
R. Gresham	Ennalls	Henry
Harris	Sulivane	

p. 696

The House Adjourns 'til 2 of the Clock

Post Meridiem

The House met according to adjournment

M^r Mackall hath Leave of the House to go Home

A petition of Complaint from Several languishing prisoners in Anne Arundell County Goal, against the Sheriff of the said County, was Read, and Ordered, That the Committee appointed to inspect

L. H. J. the State and Condition of the Public and County Goal in the City of Annapolis, in Anne Arundel County, have it in Direction to enquire into the ffacts contained in the said petition; and that the said Committee be empowered to send for persons, papers and Records.

The House adjourns 'til To morrow Morning 9 of the Clock.

June 4

Thursday Morning, June 4. 1747

The House met &c. All Members present as Yesterday, except M^r Mackall.

Col. Henry, Major Barnes, M^r John Goldsborough, Col. Hall, and M^r John Paca, have Leave of the House to go Home.

Col^d Hammond, from the Upper House, delivers M^r Speaker a petition of Patrick Creagh, of the City of Annapolis, referred by the Upper House to the Consideration of the Lower House; which petition was here Read and rejected.

M^r Smith, from the Committee appointed to inspect the Deed of purchase of the Land whereon the House for the Residence of a Governor is Built &c. delivers M^r Speaker the following Report, viz.

By the Committee appointed by the Honourable Lower House of Assembly, to inspect the Deed of purchase of the Land whereon the House for the Residence of a Governor is built, also the Buildings and other Materials, on the said Land now being; June 3, 1747.

Agreeable to the order of your Honourable House, your Committee have inspected into the Deed from M^r Stephen Bordley to Thomas Bladen Esq^r the Late Governor, for four Acres of Land, and do find the same bearing Date the 2^d of October, 1744, acknowledged the 29th of April 1747 and Recorded the same Day in the provincial Records, in Lib. E 1. N^o 8 ffol. 276, on the back whereof is a Receipt for 200^t Current money, Sign'd Stephen Bordley; and the Courses of the said Land are as follow; viz.

Beginning at a Bounded post standing on the North side of Tabernacle Street, and running thence North 39 Degrees west, 25 perches and 6 10^{ths} of a perch, to another Bounded post; thence South 51 Degrees west, 25 perches, to another Bounded Post; then South 39 Degrees East, 25 perches and 6 10^{ths} of a perch, to another Bounded post; and from thence with a Streight Line to the Beginning post; the Boundaries whereof, by the Inspection of your Committee, do not appear to have been fixed, either according to the Expressions in the said Deed, or the Directions of the Act of Assembly in that Case made and provided, neither is there any Certificate of the Survey thereof returned and Recorded in the Mayor's Court Office, or in the County Court, according to the Directions of the said Act. Your Committee further find, That several Bricks, in the new House erected on the said Land for the use of the Governor for the Time

being, are moulter'd and Decayed; and that there is a Crack in the wall of the said House from the Bottom almost to the Top, in the North-East Corner thereof: That there is Round the outside of the said House a Quantity of Portland Stone, Bremen Stone, several Casks of Stucco, and some wrought Country Stone; That within the Cellars of the said House there is a large Quantity of Shingles, which appear to lie on the bare Ground; and likewise some marble stone and Bremen Stone lying on the damp Ground, which last appear much Decayed: That there is a large Quantity of plank and scantling lying in great Danger of being spoiled, occasioned by the Rains coming through the Roof of the House; and that part of the sommers of the said House appears to be upon the Decay, Jews-Ears growing now out of the sides thereof.

L. H. J.
Liber No. 46
[Bremen
stone has
not been
identified]

All which is humbly Submitted to the Consideration of your Honourable House Signed per Order, W^m Wilkins Clerk.

On Reading the aforesaid Report, the House unanimously concurs therewith; and the Question being put whether it shall be entered on the Journal as the Resolve of this House, That Thomas Bladen Esq^r hath not complied with the Directions of the Act entitled, An Act to enable his Excellency Thomas Bladen Esq^r or the Governor for the time being to purchase four acres of Land within the fence of the City of Annapolis &c. or not? Resolved in the Affirmative. p. 697

For the Affirmative.

M ^r Mills	M ^r Lloyd	M ^r Wootton
Harris	Hooper	Stoddert
Henry Hall	Ennals	Addison
Carroll	Lecompte	T. Hammond
Worthington	Sulivane	Tilghman
Smith	Hyland	Hopper
Smallwood	Pearce	Robins
Harrison	Bayard	
N. Goldsborough	Buchanan	

For the Negative

M ^r Key	M ^r R. Gresham	M ^r Scarborough
Bond	P. Hammond	Dashiel
I. Gresham	King	

On Reading the Account of Thomas Bladen Esq^r against the public, for purchasing of Land whereon to Build an House for the Residence of a Governor, and for Materials for Building &c the same is unanimously disallowed

Resolved, That Thomas Bladen Esq^r hath not complied with the Directions of the Act entitled, An Act to enable his Excellency Thomas Bladen Esq^r or the Governor for the Time being, to pur-

L. H. J. chase four acres of Land within the ffeince of the City of Annapolis,
 Liber No. 46 for the use of the public; and to build thereon a Dwelling House
 and other Conveniencies for the Residence of the Governor of Mary-
 land for the time being; and to Repeal part of other Acts therein
 mentioned.

The House adjourns until To-morrow Morning 9 o'clock

June 5

Friday Morning, June 5th 1747.

The House met according to adjournment &c.

All members appeared as Yesterday, except M^r Thomas, Col.
 Henry, Major Barnes, M^r John Goldsborough, Col. Hall, M^r Paca,
 M^r Lecompte and M^r Sulivane.

An Account from the Serjeant at arms, attending this House, for
 Charges and Expences of sending for M^r Smallwood, M^r Courts,
 M^r Wilkinson Col. Hooper, and Cap^t Ennalls, in pursuance of an
 Order of this House, being brought in and Read, the Question was
 put, whether M^r Smallwood M^r Courts, M^r Wilkinson, Col. Hooper
 and Capt. Ennalls should discharge the said Account, or that the
 account should be paid by the public? Carried, that the account
 should be paid by the public.

For the Account being paid by the public.

M ^r Bond	M ^r King	M ^r Stoddert
Wilson	Dashiel	Gordon
J. Gresham	N. Goldsborough	T. Hammond
R. Gresham	Hyland	Tilghman
Worthington	Bayard	Robins
Harrison	Wootton	Purnell

For the Account being paid by M^r Smallwood, M^r Courts, M^r
 Wilkinson Col. Hooper and Capt. Ennalls.

M ^r Carroll	M ^r Sheredine	M ^r Hopper
P. Hammond	Buchanan	Scarborough
Henry Hall	Addison	
Smith	Dulany	

On the Determination of the above Question, It is Resolved, That
 the Account be paid by the public, in as much, as it appears
 that the non-attendance of those Gentlemen, was occasioned by the
 great apprehension they were under, from the Rumour of the small
 pox raging in Annapolis

The House adjourns until 2 of the Clock

Post Meridiem

L. H. J.
Liber No. 46

The House met according to Adjournment.

Ordered, That the Petition of Sundry Inhabitants of Prince Georges County, relating to the Division of the said County &c. be heard at the Bar of this House on Tuesday next

Cot. Hooper from the Committee of Aggrievances delivers to M^r Speaker the following Report, viz.

By the Committee of Aggrievances and Courts of Justice, June 5. 1747

In pursuance of the Order of Reference, of your Honourable House, in Relation to the petition of the Rev. M^r Thomas Chase, Rector of St Paul's parish, in Baltimore County, your Committee have procured a view of the Bond, passed by the said Chase, to M^{rs} Jeanette Bourdillion for Twenty six Thousand pounds of Tobacco, upon which a Judgment hath been rendered in the County and provincial Courts, and Execution thereupon Issued, and for which your Committee are informed the said Chase is now Confined in prison, and has been for some time past, according to the Tenor of the said petition; a Copy of which Bond is hereunto annexed (marked N^o 1). Thomas Bladen Esq^r late Governor of this Province, was pleased to send to your Committee, the Deposition made by him hereunto Annexed (marked N^o 2) to which, and the Depositions of Edmund Jennings Esq^r his Lordships Secretary of State and John Raitt, subscribing Evidences to the said Bond, hereunto annexed (marked 3 and 4) your Committee pray leave to refer. It appears to your Committee by the said Depositions, that the said Bond was taken before the Induction of the said Chase, into the said St. Paul's parish; and that the said Bond was a Consideration for such Induction, and the taking thereof justified by the said Thomas Bladen Esq^r and his Lordship's Secretary, who was of Council (as he declares) with him on the occasion. Your Committee humbly presume to represent to your Honourable House. That by an Act of Assembly of this Province, entituled An Act for the establishment of Religious Worship in this province, according to the Church of England; and for the maintenance of Ministers, provision is made for faithful and Able Ministers, labouring in the work of the Gospel, to come and Reside in this Province, by a Tax on the People, and Inhabitants thereof, and payable to the Minister of each respective parish, presented, Inducted, or appointed by the Governor or Commander in Chief for the Time being; That the people of this province, His Majesty's Leige Subjects, are the ffounders and Endowers of all the Churches within the same; and that the aforesaid implied power of presentation and Induction, is at most but a Trust.

That the Sale of such presentations or Inductions, is a Discouragement to learned and faithful able Clergyman, to come into, or

L. H. J. reside within this province, contrary to the Canons of our Holy
 Liber No. 46 Church, and the Statute Laws of our Mother Country, highly inde-
 cent and unbecoming, brings scandal on God's Holy and truly Chris-
 tian Religion, and is greatly injurious to the people. That in par-
 ticular, the parishioners of St. Paul's parish, have been deprived of
 the Comforts of the administration of the said Thomas Chase, in
 his functions as Clergyman, in the said parish, ever since the 21st
 Day of November 1746, the Time on which he was first Executed
 and Imprisoned on the said Bond and Judgment, notwithstanding
 they are Chargeable with, and pay the Tax aforesaid.

Your Committee humbly conceive, such Actings and doings is
 a great Grievance, and very much tends to lessen the opinion of the
 people of his Lordship the Lord Proprietary, and alienate their
 minds and Affections from his Lordship, his good Rule and Gov-
 ernment; but is humbly submitted to the Consideration of your
 Honourable House. Signed per Order, W^m Wilkins, Clerk

N^o 1 Maryland ss. Know all men by these presents, That I
 Thomas Chase of Dorset County Clerk, am held and firmly Bound
 unto Jeanette Bourdillion Widow, in the full and just Quantity of
 fifty Two Thousand pounds of Tobacco; to be paid to the said
 Jeanette, her Executors Administrators and Assigns: To the which
 payment well and truly to be made, I hereby bind myself, my Heirs,
 Exec^{rs} Administrators and Assigns, firmly by these presents. Sealed
 with my Seal, and Dated this fifth Day february 1744.

The Condition of the above Obligation is such, That if the above
 Bound Thomas Chase, his Executors Administ^{rs} or Assigns do and
 shall on or before the first Day of March, which shall be in the year
 of Our Lord 1745, pay or Cause unto the abovenamed Jeanette, her
 Executors Administrators or Assigns the full and just Quantity of
 13000 pounds of Tobacco and also pay unto the said Jeanette her
 Executors Administrators or Assigns the further Sum of 13000
 pounds of Tobacco, on the ffirst Day of March, which shall be in
 the year of our Lord 1746, then the above obligation to be void, else
 to be in full force and virtue, But in Case the said Thomas Chase
 shall make Default in either of the said payments, then the said
 Thomas Chase doth hereby impower any Attorney in any Court of
 Record in this province, to appear for him the said Thomas Chase,
 at the suit of the above mentioned Jeanette Bourdillion, and to Re-
 ceive a Declaration on the above Obligation, and thereupon to Con-
 fess Judgment by, Nil dicit Cognovit actionem, non sum Informatus,
 or otherwise, hereby releasing all the Errors that may happen upon
 the said Judgment suing out Execution thereon, or in any of the
 proceedings thereunto Relating. Thomas Chase ⊕

Signed, Sealed and Delivered in the presence of

Edm. Jenings John Raitt

N^o 2 Thomas Bladen Esq^r being sworn on the Holy Evangelist, deposeth, That when he the said Thomas Bladen offer'd the Rev. Thomas Chase the Induction of S^t Paul's parish, in Baltimore County, he the said Thomas Bladen at the same time proposed to him to give his Bond for the payment of 26000 pounds of Tobacco to M^{rs} Bourdillion, Widow of the last Incumbent, payable in Two years: which he the said Chase readily consented to; which Bond he accordingly executed, knowing it to be for the said Sum of Twenty six Thousand weight of Tobacco. And this Deponent further says upon his Oath, That there never pass'd one Sillable between him and the said Chase, relating to a Bond of Resignation, or for any other purpose, but as above mentioned.

L. H. J.
Liber No. 46
p. 699

Sworn to, the 26th of May 1747 Before ——— Brice.

N^o 3 Edmund Jenings, being sworn on the Holy Evangelists of Almighty God, Deposeth, and saith, That Thomas Bladen Esq^r late Governor of this Province, having acquainted this Deponent with his Intentions of giving an Induction to the Rev. M^r Thomas Chase, into a parish then vacant in Baltimore County, and that he was desirous of making some provision for the widow or ffamily of M^r Bourdillion, the late Incumbent, advised with this Deponent, whether it would be legal to take a Bond from M^r Chase, for securing Twenty six Thousand, or some such quantity of Tobacco, to M^{rs} Bourdillion, widow of the said late Incumbent? on which this Deponent gave his opinion, that such Bond would be legal, and justifiable in Law. And this Deponent further saith, that either then, or some short time after, the said M^r Bladen desired this Deponent to draw a Bond for the payment of Twenty six Thousand pounds of Tobacco to M^{rs} Bourdillion, by the said Chase; and which Bond this Deponent accordingly wrote and Carried it, in Company with the said Chase, from this Deponent's own House, to the then Governor's; where the said Chase Executed the same in the presence of this Deponent, and John Raitt, and this Deponent further saith, That the said Chase, did come to this Deponent at his House, about the said Bond, and acquainted this Deponent, That he was to give a Bond for the payment of the aforesaid Quantity of Tobacco to M^{rs} Bourdillion; but this Deponent absolutely denies, that he this Deponent, ever thought, or said, or told the said Chase, that a Bond of Resignation was expected from him, or to any such purpose; for, that on the Contrary, this Deponent very well remembers, he asked M^r Bladen, at the time he desired him to Draw the said Bond for the said Tobacco, whether M^r Chase was to give also a Bond of Resignation? and M^r Bladen answered, he should not desire a Bond of Resignation from the said Chase. This Deponent cannot remember all the particular Conversation passed between the said Chase and this Deponent; but this Deponent possitively declares, the said Chase very well knew, and was thoroughly apprised of the

L. H. J. nature of the Bond which this Deponent drew as aforesaid, before
 Liber No. 46 he the said Chase executed the same. And that this Deponent did
 not at any time whatever, tell the said Chase, that he this Deponent
 was desired to Draw a Bond of Resignation for the said Chase to
 Execute; or that a Bond of Resignation, was the Condition on
 which the said Chase was to have the said parish, or to any such
 purpose. And this Deponent further saith, That he was no ways
 privy to the other Transactions and Matters alledged in the petition
 of the said Chase to the Honourable the House of Assembly

Sworn this first Day of June, Before Robert Gordon

Edm. Jenings

N^o 4 John Raitt, being sworn on the Holy Evangelists of Al-
 mighty God, deposeth and saith, That he was a witness to a Bond
 executed by the Rev. M^r Chase, for the payment of Twenty six
 Thousand pounds of Tobacco, to M^{rs} Bourdillion; and that to the
 best of his knowledge, at the time he came into the Room, in order
 to be such witness, M^r Jenings was Reading the said Bond to M^r
 Chase

John Bullen

Taken and Sworn to, before me, this first Day of June 1747

On Reading the Report aforesaid, the Consideration thereof is
 referred to Wednesday next.

On motion of a member, That a Bill be brought in to prevent the
 Evils occasioned by taking Judgment Bonds, and entring up Judg-
 ments thereon, in the manner as hath been lately practised within
 this province; Leave is given: Ordered, That the Committee of
 Laws prepare and bring in a Bill accordingly.

The House Adjourns 'til to Morrow Morning 9 of the Clock.

June 6

Saturday Morning, June 6. 1747

The House met according to adjournment, &c.

M^r Tilghman, M^r Lloyd, Cap^t Addison, have Leave of the House
 to go home

M^r Isaac Handy, a Delegate returned to serve in this Assembly
 for Somerset County, appeared in the House.

Col. King and Col. Dashiell were sent with the said Gentleman to
 the Upper House to see him Qualified: They return, and acquaint
 M^r Speaker they saw him qualified, by taking the several Oaths to
 the Government required by Law, signing the Oath of abjuring,
 and repeating and signing the Test.

p. 700 The Gentlemen took his seat in the House

The House Adjourns 'til Monday Morning 9 of the Clock.

Monday June 8. 1747

L. H. J.
Liber No. 46
June 8

The House met &c. All present as on Saturday, except Capt. Addison, M^r John Gresham, and M^r Richard Gresham. M^r Thomas, M^r John Goldsborough, Major Barnes, Col. Hall, and M^r Paca, appeared in the House.

The House Adjourns until To Morrow Morning 9 of the Clock

Tuesday Morning June 9. 1747

June 9

The House met &c.

M^r Brooks, farmer of the Quit Rents for Charles County, and M^r Hanson Sheriff of the said County, attended in pursuance of the Order of this House, and those Gentlemen being heard at the Bar in their own Defence, on the Complaint Reported by the Committee of Grievances; on Consideration thereof the Serjeant at Arms is Ordered to take M^r Brooks and M^r Samuel Hanson into his Custody.

Resolved, That M^r Henry Brooks, as ffarmer of the Quit Rents, for Charles County, and M^r Samuel Hanson, as Sheriff of the said County, have been guilty of great oppression, and have acted contrary to Law.

Resolved, That an address to the Governor, on the Matter contained in the Report aforesaid, be prepared.

Ordered, That the Committee of Laws prepare and bring in such Address.

Ordered, That the Committee of Accounts settle the ffees arising Due to the Officers of this House and the Charges to be allowed to the witnesses attending on Summons's Issued on the Complaint of the said Robert Haselop, Reported by the Committee of Grievances.

Samuel Chamberlaine Esq^r from the Upper House, delivers to M^r Speaker a petition of the Vestry and Church wardens of All Saints parish, in the back parts of Prince Georges County; a petition of the Magistrates and others in St. Marys County; a petition of the Rector, Vestrymen, and Churchwardens of S^t Anne's parish, in Anne Arundel County; a petition of George Plater Esq^r and Elizabeth Calvert, an Infant, by Onorio Razolini her next ffriend; and a petition of Thomas Hussey Lockett, Jeremiah Adderton and Ann his wife: which said petitions were severally referred by the Upper House, to the Consideration of the Lower House.

The petition of the Magistrates and others in St. Marys County, praying Leave to bring in a Bill to convert the school house, formerly built by the visitors of said County, into a work house, was here read and rejected.

M^r Worthington from the Committee of Accounts delivers to M^r Speaker the following Report, viz.

L. H. J.
Liber No. 46

By the Committee of Accounts, June 9. 1747

In pursuance of an Order of the Lower House of Assembly, to settle Sundry fees, arising due to the officers of that House and Sundry witnesses for attendance, on a Complaint made there against Henry Brook, ffarmer of his Lordship's Quit Rents in Charles County, and Samuel Hanson, Sheriff of said County; we have proceeded to tax the same in manner following.

To the Clerk ffor 7 Summons's at 3/	1—01—0
To the Serjeant ffor serving 7 summons's at 3/	1—01—0
ffor Cash paid by him to a Messenger to } Chas. Co }	2..10..0
ffor 2 Commitments at 4/	0..08—0
To William Eilbeck for 3 Days attendance and 8 Days itinerant Charges, in coming and going twice to and from Charles County at 5/	3..19..0
To Robert Haselop, for same Attendance, and itinerant Charges	2..15..0
To John Blanchett, for 2 Days Attendance, and 4 Ditto itinerant Charges	2..15..0
To Edward Browner for 1 Ditto, and 4 Ditto	1.. 5..0
To Dennis Dowing for 1 Ditto and 4 D°	1.. 5..0
To Augustine Ward for 1 Ditto and 4 Ditto	1.. 5..0
To John Delozer for 1 Ditto and 4 Ditto	1.. 5..0
	£17.. 0..0

All which is humbly submitted to the Consideration of the House
Signed per Order Richard Dorsey, Clerk

p. 701 It being moved by a member from the Committee of Grievances, That on a Complaint made to that Committee by Col. Adderton Skinner, some Minutes, Subponas and other papers, relating to Two actions brought in Calvert County Court, by John Hance and his wife against the said Skinner, lodged among the Records of the said County, are especially requisite to be produced: Ordered, That M^r Ellis Slater Clerk of Calvert County, do attend this House on Saturday the 13th Instant; and that he bring with him the minutes, Subpenas and all other papers relating to Two actions brought in Calvert County Court, by John Hance and his wife against Col. Alberton Skinner; and that the Clerk of this House make out a copy of the order; and that the Serjeant Serve the said Ellis Slater therewith.

M^r Speaker, Communicated to the House the following Letter, viz.

M^r Brooks, and M^r Hanson were Ordered to attend at the Bar, in Custody of the Serjeant, M^r Speaker gave the following Reprimand: L. H. J.
Liber No. 46

M^r Brooks, and M^r Hanson

It appearing to this House, that ye have acted in an illegal and oppressive Manner, in refusing to take the Money due from Robert Haselop, of Charles County, for his Quit Rents, when he made a Tender thereof; and by distraining the Plow-Horse belonging to the said Haselop, and appraising him in a manner contrary to the prescribed form of the Act of Parliament in such Cases provided. And as such Oppressions are grievous to the people, I am Directed by the House to admonish you to take care how you run into the like Errors for the future, which I accordingly do; and acquaint you, That upon payment of the ffees to the several Officers, and Charges of Attendance of the Witnesses, taxed by this House, you will be discharged from the Custody of the Serjeant at Arms.

The House adjourns until To Morrow Morning 9 of the Clock.

Wednesday Morning, June 10, 1747

June 10

The House met according to Adjournment &c.

M^r Lecompte appears in the House

The Bill, entituled, An Act to Divide Prince Georges County, and to erect a new one by the name of ffrederick County; was Read the second Time, and will pass; Sent to the Upper House by Cap^t Addison and M^r Bond.

The Representation of the Justices and Clerk of Charles County; was Read and Granted.

On Reading the Petition of Thomas Hussey Luckett, and Jeremiah Adderton, and Ann his Wife, of Charles County. M^r Smallwood, M^r Wootton, and M^r Harrison, are appointed a Committee, to enquire into the Title of the said Land, called Waidestone's Enlargement, and Waidstone, and the Value of the Lands contained in the Petition, and to make Report thereof.

The petition of the Rector, Church Wardens, and Vestrymen, of St. Margaret's Westminster parish, in Anne Arundel County; was read, and granted.

The petition of the Rector, Vestrymen, and Church wardens, of St. Anne's Parish, in Anne Arundell County; was read and granted

The petition of the Vestry, and Church-Wardens, of All Saints parish, in the back parts of Prince George's County; was Read, and granted.

On Reading the petition of George Plater Esq^r and Elizabeth Calvert an Infant, by Onorio Razolini her next ffriend, Capt. Ennals, Cap^t Bayard, and M^r Mills, are appointed a Committee to enquire

L. H. J. into the Allegations contained therein, and to Report the same to
Liber No. 46 the House.

The House adjourns 'til 2 of the Clock

Post Meridiem

The House met according to adjournment.

Col. Henry appeared in the House

The following Message (see page 465).

Sent by D^r Carroll, and D^r Buchanan.

p. 702 The Report of the Committee of Grievances, relating to the Rev.
M^r Chase, Rector of St. Paul's parish, in Baltimore County was this
Day considered; and the Question was put, Whether the House
concurs with the said Report, or not?

Resolved in the negative.

For the Negative

M ^r Key	M ^r Dashiell	M ^r Wootton
Barnes	Handy	Addison
Mills	Thomas	Gordon
Bond	Ennals	Dulany
J. Gresham	Sulivane	Tilghman
R. Gresham	George	Hopper
Harris	Bayard	Robins
Worthington	Buchanan	Henry
King	John Hall	Scarborough

For the Affirmative

M ^r Wilson	M ^r Harrison	M ^r Pearce
Henry Hall	N. Goldsborough	Sheredine
Carroll	Lloyd	Paca
Smith	I. Goldsborough	Stoddert
Mackall	Hooper	T. Hammond
Smallwood	Hyland	

The petition of M^r Chase was read and Rejected

Edmund Jenings Esq^r from the Upper House, delivers M^r Speaker
the following Message (see page 465)

The House Adjourns 'til To Morrow Morning 9 of the Clock

June 11

Thursday Morning, June 11. 1747

The House met According to Adjournment.

M^r Smith from the Committee appointed to enquire into the
State and Condition of the Public and County Goal, in the City
of Annapolis &c delivers to M^r Speaker the following Report, viz.

By the Committee appointed by the Honourable the Lower House of Assembly to enquire into the State and Condition of the Public Goal in the City of Annapolis; June 11th 1747

L. H. J.
Liber No. 46

Your Committee having viewed and inspected the State of the said Goal, do find the front and back Doors thereof are single and want Locks; that the frames are rotten, which occasion a Breach in the wall. We also find the floors want repairing; and that the safety of the prison, which we conceive ought to consist of a strong Cieling, appears to us to have been insufficient at the first Building, and so impair'd since, that renders it now of no Service for the Security thereof. We likewise find, that the partition walls not being Carried up to each floor, hath made it easy for the prisoners to pass from one Room to another, that the Joists are weakened by great part of them being cut away by the prisoners, for firewood, as your Committee are informed; which ought to have been Ciel'd at first (as we imagine) and would have prevented the Damage; that there are no shutters to any of the windows, nor Cieling to the Dormants; by which we conceive the prisoners have not only an opportunity of being furnished with Tools, to make their escape, but likewise has occasioned the Damage that is done to the Goal; that the pump and well frame, in the prison yard, are quite rotten and useless; and the said yard is kept so Dirty, that it is nauseous and unwholesom to the prisoners; and by reason of the Iron Bars in the Chimneys, which were put to prevent the prisoners from escaping that way, and for want of Ladders, the Chimneys cannot be swept above the Grates; so that by the foulness thereof they have frequently taken fire and blazed out, as your Committee are informed, to the great Danger of the said Goal, and all the Buildings adjacent, that there is a Quantity of Indian Corn kept in the Upper Room of the prison, which occasions a great many Rats, and deprives the prisoners of the benefit of the said Room, which we apprehend to be the Cleanest and best in the prison. And we further take Leave to represent, That the Complaint of Francis Woolf, one of the prisoners in the said Goal, is proved by some witnesses, and contradicted by others, on due Examination; but upon the whole, we believe it to be the effect of Drink; All which is most humbly Submitted to the Consideration of your Honourable House.

Signed per Order W^m Wilkins, Clerk

The House adjourns 'til To morrow Morning 9 of the Clock.

p. 703

Friday Morning, June 12. 1747

June 12

The House met according to adjournment &c.

On Consideration of the Report from the Committee appointed to enquire into the State and Condition of the Public and County Goal &c. The House Concurs therewith.

L. H. J.
Liber No. 46 Ordered, That the Committee of Laws do prepare and bring in a Bill, to repair the Public and County Goal in the City of Annapolis.

Ordered, That the Journal of Accounts be closed on Wednesday next.

The House adjourns 'til Two of the Clock.

Post Meridiem

The House met according to adjournment

A Bill entituled, An Act to Remedy some Proceedings in the Court of Charles County, and to prevent the Removal of the Records from the Public Offices, was read the first time, and Ordered to lie on the Table

The House adjourns 'til To Morrow Morning 9 of the Clock.

June 13

Saturday Morning, June 13. 1747

The House met according to adjournment &c.

The Bill entituled, An Act to remedy some proceedings in the Court of Charles County, &c. was read the second time, and will pass; and was sent to the Upper House by Mess^{rs} Smallwood and Harrison.

Philip Thomas Esq^r from the Upper House, delivers to M^r Speaker a petition of William Barney, of Baltimore County, referred by the Upper House, to the Consideration of the Lower House; which petition being here read, Col Dashiell, D^r Buchanan, and M^r Pearce, are appointed a Committee to enquire into the allegations of the said petition, and to make report thereof.

D^r Buchanan, from the Committee appointed to enquire into the allegations contained in the petition of William Barney, delivers to M^r Speaker the following Report, viz.

By the Committee appointed by the Honourable the Lower House of Assembly, to enquire into the Truth of the facts set forth in the petition of William Barney; June 13. 1747

Your Committee, upon Enquiry into the ffacts aforesaid, do find a Deed of Bargain and Sale from Morgan Murray to Mary Stevenson bearing Date the 15th Day of January 1717, for the Moiety of a Tract of Land, called Morgans Delight, containing 150 acres; which Deed was acknowledged the same Day, before Peter Bond, and John Israel, said to be Two of the Justices of Baltimore County, but not recorded. We also find a Deed of Gift from Mary Stevenson, of Baltimore County, to Elizabeth Barney, her Heirs and Assigns, Dated the 16th Day of January 1717, for the same Land, and acknowledged the same Day before the same Two Justices, but not Recorded. We likewise find a Receipt from the

said Morgan Murray, to William Barney, in the words following L. H. J.
viz. June the 1 Day 1723, Receive of William Barney in ful of all Liber No. 46
Account Bills Bonds and Nots whatsoever hath bin past one ac-
count of One Hundred and fifty acres of Land I say Receive per me
Simon Person Morgan Murray Θ

We further find the Deposition of Henry Satyr, taken the 26th
of June 1747, before Samuel Owings, one of the Justices of Balti-
more County, wherein he makes Oath, That to the best of his
knowledge, a certain Tract of Land, called Morgan's Delight,
which was Conveyed to Mary Stevenson and Elizabeth Barney,
and her Heirs, was fully paid for; and knows of no further Demand
being made for the said Land, these Twenty years, or more. All
which is most humbly submitted to the Consideration of your
Honourable House. Signed per Order. W^m Wilkins, Clerk.

On reading the Report aforesaid, the House concurs therewith,
and Leave is given to William Barney the petitioner therein named
to bring in a Bill.

M^r Lloyd from the Committee of Laws, delivers to M^r Speaker
a Bill, entituled An Act for amending the Staple of Tobacco, for
preventing frauds in his Majestys Customs, and for the Limita-
tion of Officers ffees.

The House Adjourns until Monday Morning 9 of the Clock.

Monday Morning June 15. 1747

June 15

The House met according to adjournment, &c.

On Motion of a Member, for Leave to bring in a Bill, to Im-
power the Governor and Council to hear and Address certain Evils
and abuses therein to be mentioned; Leave is given: Ordered, That
Col. Dashiel, M^r Smith, and M^r Harris, do prepare and bring in a p. 704
Bill accordingly.

On Motion of a Member, that an Address be prepared to his
Excellency, relating to the Arms furnished to the Soldiers on the
Canada Expedition, Ordered, That the Committee of Laws pre-
pare and bring in the same.

On Motion of a Member, for Leave to bring in a Supplementary
Bill to the Act for laying out the Town anew, commonly called
Snow Hill Town, in Somerset County; Leave is given. Ordered,
That Col. Hooper, Col. Scarborough, and Col. Henry prepare and
bring in a Bill accordingly.

Ordered, That the Serjeant at Arms do summon M^r William
Thornton, Sheriff of Anne Arundel County to attend at the Bar of
this House, to answer the Complaint of Francis Woolf, a prisoner
in his Custody, for severe and rigorous usage.

L. H. J.
Liber No. 46 On Motion of a member, that Leave be given to bring in a Bill to prevent the raising of Swine and Geese in Princess Anne Town, in Somerset County; Leave is given.

M^r Hammond from the Committee of Laws, delivers to M^r Speaker an Address to the Governor, which was read, approved, and Ordered to be Ingrossed.

Col. Hooper, from the Committee of Laws, delivers to M^r Speaker an Address to the Governor; which was read, approved, and Ordered to be Ingrossed.

The House Adjourns 'til 2 of the Clock

Post Meridiem

The House met, &c. Capt. Ennalls from the Committee appointed to Enquire into the Truth of the ffacts set forth in the petition of George Plater Esq^r delivers M^r Speaker the following Report; viz.

By the Committee appointed by the Honourable the Lower House of Assembly, to enquire into the truth of the ffacts set forth in the petition of George Plater Esq^r and Elizabeth Calvert an Infant, by Onorio Razolini, her next ffriend, June 15. 1747

Your Committee, upon Enquiry, do find the several facts set forth in the said petition, to be true, to which petition they pray leave to refer. And it is also made appear to your Committee, that the said M^r Plater and Razolini, as Executors of M^{rs} Calvert, have obtained Judgment and Condemnation of the Effects of M^r Hyde, in the Provincial Court, for the full Sum of money Due from the said Samuel Hyde, to them, on account of Miss Elizabeth Calvert, and the Costs of Suit; and also that as much as was Due to the said M^r Plater, has been likewise Condemned for his use, with the Costs due to him on his Suit. They also take leave to represent the Agreement mentioned in the said petition, which is in the words and figures following, viz.

“Whereas George Plater and Onorio Razolini, have obtained attachments out of his Lordship's provincial Court now sitting against the Effects of M^r Samuel Hyde, of London Merchant, viz. George Plater on his proper Account for the sum of 1932^l 2^s 7½^d Sterling and George Plater and Onorio Razolini, as Executors of Rebecca Calvert, Widow, Deceased, for the sum of 1596^l 13^s 9^d, Sterling. And Whereas it is agreed by the said George and Onorio, to share equally whatever may be Condemned of the Effects of the said Samuel Hyde (that is to say) the said George to have one Moiety, or half part; and the said George and Onorio, Executors as aforesaid, the other Moiety or half part. and not in proportion to our Claims; and to pay equally between them all ffees and Charges that have or may Accrue on the said attachments, and not in proportion to their Several Claims. To the performance of which Agreement, we do hereby Bind ourselves, our Heirs Executors, Administrators

and Assigns to each other, in the penal Sum of Two Thousand pounds Sterling. In witness whereof, we have hereunto interchangeably Set our Hands and Seals, this 23^d Day of April 1746.

L. H. J.
Liber No. 46

Signed Geo: Plater ⊕ Onorio Razolini ⊕

Sealed and Delivered in the presence of

Tho: Williamson Law. Maynard

All which is humbly [referred] to the Consideration of the Honourable House Signed per Order W^m Wilkins, Clerk

On Reading the Report aforesaid, Leave is given to the petitioners to bring in a Bill according to prayer

The following Address; viz.

To his Excellency Samuel Ogle Esq^r Gover. of Maryland;

The Humble Address of the House of Delegates of the said province.

May it please your Excellency,

We beg leave to observe, that in the year 1744, there was by the then Governor, and his Lordship's Council of State assessed on the Taxable Inhabitants of this province, the Quantity of one pound of Tobacco per poll, under Colour of the Act of Assembly formerly subsisting, entituled, an Act for the Ordering and Regulating the Militia of this province, for the better Defence and Security thereof; which said Sum was accordingly levied. We therefore humbly pray that your Excellency will please to cause an Account of the Application thereof to be laid before this House

p. 705

Was brought in ingrossed, and was read and assented to, and Signed, by Order of the House, by the Honourable Speaker.

Col. Hooper and M^r Dulany were sent to acquaint his Excellency, this House hath prepared an Address to him, and desires to know when and where he will please to Receive it. They return, and acquaint M^r Speaker, they deliver'd their Message, and that the Governor was pleased to signify, he was ready to receive the Address immediately in the Conference Chamber.

Col. Hooper and M^r Dulany were Ordered to present the Address

The Governor Communicates to M^r Speaker the following Answer to the Address of this House, viz.

Gentlemen of the Lower House of Assembly.

I Have enquired into the Subject matter of your address, in Relation to the one pound of Tobacco per poll, assessed upon the Taxable Inhabitants of this province, by the Governor and Council, in the year 1744, by virtue of the Act of Assembly for Regulating our Militia, and understand that the said Tobacco was intended to satisfy the Charged incurred by the Indian Conspiracy; but tho' it has been Levied, it has not been applied; so lies ready to be disposed of as the Legislature shall think proper.

Sam. Ogle

L. H. J. The following Address, viz.
 Liber No. 46 To his Excellency Samuel Ogle Esq^r Governor of Maryland;

The Humble address of the House of Delegates of the said province

May it please your Excellency,

It is from a just Regard to the Rights, Liberties, and Priviledges of those we Represent, that we find our selves under an Indispensible necessity of applying to your Excellency, on an Occasion which nearly Affects the property, and well being of the people of Maryland.

The Report of our Committee of Grievances here annexed, which by the Confessions of the parties is in every Circumstance strictly true, and to which we beg leave to Refer your Excellency contains a Charge against M^r Samuel Hanson, High Sheriff, and M^r Henry Brook, farmer of the Quit Rents of Charles County, of so high a nature, and of practices of so dangerous and destructive a Tendency, which to our real Concern, we are informed prevail in many parts of this province, to the great Damage of many of his Lordship's Tenants, and if not speedily remedied will, in all probability, become general. We could not therefore, without an entire disregard to, and neglect of, the Duties of our Station, avoid taking notice of so high an Infringement on the Rights and Liberties of the people. And it is in Consequence of that just Regard we owe to the people of Maryland, and to the Honour of the Government, that we humbly lay this Affair before your Excellency; from whose kind Assurances of your Sincere and hearty Endeavours to promote the prosperity of this province, we derive the firmest Confidence that your Excellency will, in every instance of your Conduct, discountenance any illegal and oppressive Act of power, and particularly that great and growing evil now laid before you; and by that means effectually prevent any Officer in this Government from wantonly abusing and perverting that power, to the oppression and Ruin, which was Originally designed for the Ease and Happiness of the people.

Was brought in ingrossed, and was Read and assented to, and Signed by Order of the Lower House by the Honourable Speaker,

Col. Hooper delivers to M^r Speaker a Bill entituled, a Supplementary Act to the Act entituled, An Act for laying out the Town anew commonly called Snow Hill Town, in Somerset County, which was Read the first time, and Ordered to lie on the Table.

M^r Harris and Capt. Handy, were sent to acquaint the Governor that this House hath prepared an Address to him, and desires to know when and where he will please to receive it. They return, and acquaint M^r Speaker, the Governor Signified that he was ready to receive the Address immediately in the Conference Chamber.

M^r Smith and five more were Ordered to present the address.

M^r Harris Delivers to M^r Speaker a Bill entituled, An Act to L. H. J.
empower the Governor and Council for the time being to hear and Liber No. 34
redress certain Evils and abuses therein mentioned; which Bill was
Read the ffirst time, and ordered to lie on the Table.

The House Adjourns 'til To Morrow Morning 9 of the Clock.

Tuesday Morning, June 16, 1747

June 16

The House met according to adjournment, &c.

A Bill entituled, An Act enabling and requiring the Clerk of Baltimore County to Record a Deed of Bargain and Sale from Morgan Murray to Mary Stevenson, and the making valid the same, was Read the first time, and Ordered to lie on the Table.

A Bill entituled, An Act to enable Onorio Razolini to Convey, in Right of Elizabeth Calvert, an Infant, to George Plater Esq^r certain Lands therein mentioned, was read the first time, and Ordered to lie on the Table.

George Plater Esq^r from the Upper House. delivers to M^r Speaker p. 706
a petition diverse Inhabitants of Baltimore Town, in the County of Baltimore, and a petition of the people called Quakers; severally referred by the Upper House to the Consideration of the Lower House.

The House adjourns until 2 of the Clock

Post Meridiem

The House met according to Adjournment

On Reading the Bill entituled, An Act for amending the Staple of Tobacco, for preventing ffrauds in his Majesty's Customs &c. the Question was put, Whether Two shillings or ffour shillings should be paid upon the delivering out each Hogshead of Crop Tobacco?

Resolved, That four shillings be paid.

For ffour Shillings.

M ^r Key	M ^r Dashiel	M ^r John Hall
Barnes	Handy	Stoddert
Bond	Thomas	Addison
Mills	Lloyd	Dulany
Wilson	Ennalls	Tilghman
I. Gresham	Sulivane	Hopper
R. Gresham	George	Robins
Harris	Hyland	Henry
Smallwood	Pearce	Scarborough
Harrison	Bayard	
King	Sheredine	

L. H. J.
Liber No. 34

For Two Shillings

Mr Henry Hall	Mr N. Goldsborough	Mr Paca
Carroll	I. Goldsborough	Wootton
P. Hammond	Hooper	T. Hammond
Worthington	Lecompte	Purnell
Smith	Gordon	
Mackall	Buchanan	

The Governor communicated to Mr Speaker the following Answer, viz.

Gentlemen of the Lower House of Assembly

In Answer to your Address, presented to me yesterday Evening, I assure you I shall be always ready to discountenance as far as in me lies, all oppressive and Illegal Acts of power, in any person whatsoever, against any of his Lordship's Tenants; and whatever particular Disputes may happen, with contentious people, I cannot but flatter myself in the main, that the ffarmers and Receivers of his Lordship's Quit Rents, will not only keep within the strict Letter of the Law, but make their several Collections as easy and Convenient to the people as possible; and this will always be the surest way they can take of Recommending themselves to the favour of the Government

Sam. Ogle.

The House adjourns until To morrow Morning 9 o'clock

June 17

Wednesday Morning, June 17th 1747.

The House met according to adjournment, &c.

Major Robert Jenkins Henry, a member returned to serve for Somerset County, appeared in the House. Col King and Col. Dashiel are sent to see him Qualified in the Upper House: They return, and acquaint Mr Speaker, they saw him take the Several Oaths to the Government, subscribe the Oath of Adjuration, and repeat and sign the Test. The Gentleman took his seat in the House.

The House proceeded on the second Reading of the Bill entituled, An Act for amending the Staple of Tobacco &c.

The House Adjourns until 2 of the Clock

Post Meridiem

The House met according to adjournment

The Question was put, Whether the paragraph relating to the appointment of the Inspectors by the Vestry, in the Bill entituled,

An Act for amending the staple of Tobacco, &c. shall be altered or not? L. H. J.
Liber No. 34

Resolved in the negative.

For the negative

M ^r Wilson	M ^r Lloyd	M ^r John Hall
Henry Hall	I. Goldsborough	Wootton
Carroll	Hooper	Stoddert
P. Hammond	Lecompte	Addison
Worthington	Sulivane	T. Hammond
Smith	George	Tilghman
Mackall	Hyland	Hopper
Smallwood	Sheredine	Robins
Harrison	Buchanan	Scarborough
N. Goldsborough	Paca	Purnell

For the affirmative

p. 707

M ^r Key	M ^r Harris	M ^r Ennalls
Barnes	King	Bayard
Bond	Dashiel	Gordon
Mills	Handy	Dulany
I. Gresham	R. J. Henry	J. Henry
R. Gresham	Thomas	

The House adjourns 'til To-morrow 9 of the Clock

Thursday Morning, June 18. 1747

June 18

The House met according to Adjournment &c.

All appeared as yesterday except M^r Pearce

The Reading of the Bill, entituled An Act for amending the Staple of Tobacco &c. was continued.

The House adjourn'd 'til 2 of the Clock

Post Meridiem

The House met &c.

In the progression of the Bill, entituled, An Act for amending the Staple of Tobacco &c. The Question was put, whether that part of the Bill which Relates to the Regulation of officers fees, shall take place immediately or not? Resolved in the Negative

L. H. J.
Liber No. 34

For the Negative

M ^r Key	M ^r King	M ^r Buchanan
Barnes	Dashiel	Paca
Bond	Handy	John Hall
Mills	R. I. Henry	Addison
Wilson	Lloyd	Gordon
I. Gresham	Thomas	Dulany
R. Gresham	I. Goldsborough	T. Hammond
Harris	Hooper	Tilghman
Henry Hall	Ennalls	Hopper
P. Hammond	Sulivane	Robins
Smith	George	J. Henry
Mackall	Hyland	Scarborough
Smallwood	Bayard	Purnell
Harrison	Sheredine	

For the Affirmative

M ^r Carroll	M ^r N. Goldsborough	M ^r Wootton
Worthington	Lecompte	

The Bill, entituled, An Act for amending the Staple of Tobacco &c was Read, and committed for Amendments.

Col. Lloyd from the Upper House, delivers to M^r Speaker a petition of Patrick Creagh, and others; referred from the Upper House, to the Consideration of the Lower House.

M^r Smallwood, from the Committee appointed to enquire into the Truth of the ffacts alledged in the Petition of Thomas Hussey Luckett, Jeremiah Adderton, and Anne his wife, delivers to M^r Speaker the following Report, viz.

By the Committee appointed by the Honourable the Lower House of Assembly, to equire into the Truth of the ffacts alledged in the petition of Thomas Hussey Luckett; and Jeremiah Adderton, and Anne his wife; June 18, 1747.

Your Committee do find his Lordship's Grant to Zachariah Wade, of a Tract of Land; called Waidstone containing 300 Acres bearing Date the 7th Day of October 1661, lying in Charles County. We also find another Grant from his said Lordship to the said Zachary Wade bearing Date the 20th of June, 1669, for a Tract of Land called Waidstones Enlargement, containing 100 Acres, lying also in Charles County. We also find that the said Zachary Wade, did by his last Will and Testament, bearing Date the 20th of May 1678, duly proved and Recorded, give unto his Eldest Son Richard Wade, the aforesaid Two Tracts of Land. We also find a Deed of Bargain and Sale, duly acknowledged and Recorded, as appears by a Copy of the Record and Certificate thereof, under the seal of the Office,

for the aforesaid Two Tracts of Land, bearing Date the 14th of September 1686, from the said Richard Wade, to a Certain Thomas Hussey, his Heirs and Assigns for ever. We likewise find that the said Thomas Hussey, by his Last Will and Testament, duly proved, bearing Date the 6th Day of February 1699 and 1700, did Give and Bequeath unto his Grandson Thomas Hussey Luckett, 1310 acres of Land, lying in Chingomuxon; of which we apprehend the Two above mentioned Tracts of Land, called Waidstone's Enlargement, to be part. We further find the last Will and Testament of Robert Price, of Charles County, duly proved on the 22^d of June 1715: In a Clause of which are the following words, viz. " That is to say, 200 acres thereof I give unto my Daughter Elizabeth, and to the Heirs of her Body for ever and for and on Default of such Issue, then to my Daughter Mary, which God was pleased to bless me with, by my second and present Marriage, to her, and her Heirs for ever " L. H. J.
Liber No. 34
p. 708

Which 200 acres, your Committee presume to be part of a Tract of Land, called St. Patrick's Hill, mentioned in the said Petition. And we likewise believe, that Anne the wife of Jeremiah Adderton, is Daughter and Heiress of the aforesaid Elizabeth, Daughter of the aforementioned Robert Price the Deviser, and lastly, we find that the Tract of Land Called Waidstones Enlargement, patented for 100 acres; and that part of the Tract of Land, called Waidstone, measuring 112 Acres, according to the Courses, mentioned in the aforesaid patent (leaving out the words, Two Degrees South, in the fifth Course, which we apprehend to be a Mistake) by the Information of M^r Bayne Smallwood, is better in Quality, and of greater value, than the aforesaid 200 acres, part of St. Patrick's Hill: All which is humbly submitted to the Consideration of your Honourable House

Signed per Order W^m Wilkins, Clerk

Which Report was read; and Leave is given to bring in a Bill accordingly.

M^r Worthington, from the Committee of Accounts, delivers to M^r Speaker the Journal of Accounts.

The petition of Divers Inhabitants of Baltimore Town, in Baltimore County, was read and granted.

A Bill, entituled, An Act to prohibit the raising of Swine and Geese in Princess Anne Town in Somerset County: Read the first and second time by an especial Order, and will pass; and was sent to the Upper House by Col^l King, and Cap^t Handy.

The Bill entituled, An Act Enabling and Requiring the Clerk of Baltimore County, to Record a Deed of Bargain and Sale from Morgan Murray, to Mary Stevenson, and the making valid the same, was read the second time, and will pass, and was sent to the Upper House, by D^r Buchanan, and M^r Paca.

The Bill, entituled a Supplementary Act, to the Act entituled, An Act for laying out the Town anew, commonly Called Snow Hill

L. H. J. Town, in Somerset County; was read the second time, and will pass :
 Liber No. 34 Sent to the Upper House by Col. Henry and Col. Scarborough.

The House adjourns until To Morrow Morning 9 of the Clock

June 19

Friday Morning June 19th 1747

The House met according to adjournment &c.

The petition of the people called Quakers, was read; and Leave is given to bring in a Bill according to prayer

The petition of Patrick Creagh, and others, was read and Rejected.

Richard Lee Esq^r from the Upper House, delivers to M^r Speaker the Bill entituled, An Act to Remedy some Defects in an Indenture of Bargain and Sale from Michael Curtis &c. Indors'd By the Upper House of Assembly, June 19, 1747. Read the second time and will pass.

Signed per Order Ross Cl. Up. Ho.

Which Bill was here Read, and passed for Ingrossing. The Journal of Accounts was Read and Assented to, and sent to the Upper House, by the Gentlemen of the Committee of Accounts.

On reading the Bill entituled, An Act for amending the Staple of Tobacco, &c. the Question was put, whether the Money taken out of the Office shall be paid by the Respective Counties where any Deficiency arises; or the Income of the respective Inspecting Houses of any such County or not? Resolved in the Affirmative.

For the Affirmative

M ^r Bond	M ^r Harrison	M ^r Buchanan
Henry Hall	N. Goldsborough	Paca
Carroll	Lloyd	John Hall
P. Hammond	I. Goldsborough	Wootton
Worthington	Lecompte	Stoddert
Smith	Sulivane	T. Hammond
Mackall	Bayard	Tilghman
Smallwood	Sheredine	Hopper

For the Negative

M ^r Key	M ^r Dashiel	M ^r Addison
Barnes	Handy	Gordon
Mills	R. J. Henry	Dulany
Wilson	Thomas	Robins
I. Gresham	Hooper	Henry
R. Gresham	Ennalls	Scarboroughh
Harris	George	Purnell
King	Hyland	

The House adjourns 'til 2 of the Clock in the afternoon

Post Merdidiem

L. H. J.
Liber No. 34
p. 709

The House met according to Adjournment.

M^r Thomas Hammond hath Leave of the House to go Home

The Bill, entituled, An Act for amending the Staple of Tobacco &c. was read the second Time, and the Question was put whether the said Bill shall pass or not? Resolved in the Affirmative.

For the Affirmative

M ^r Key	M ^r Mackall	M ^r Bayard
Barnes	Smallwood	Sheredine
Bond	Harrison	Paca
Mills	N. Goldsborough	John Hall
Wilson	Thomas	Stoddert
J. Gresham	I. Goldsborough	Addison
R. Gresham	Hooper	Tilghman
Harris	George	
Henry Hall	Hyland	

For the Negative

M ^r Carroll	M ^r Lloyd	M ^r T. Hammond
P. Hammond	Ennalls	Hopper
Worthington	Lecompte	Robins
Smith	Sulivane	I. Henry
King	Buchanan	Scarborough
Dashiel	Wootton	Purnell
Handy	Gordon	
Henry	Dulany	

The Bill, entituled, An Act for amending the Staple of Tobacco &c. was sent to the Upper House by M^r Nicholas Goldsborough, and Three more.

A Bill, entituled, An Act to prevent the Evils arising from the Entering up Iudgments upon Bonds commonly called Judgment Bonds, and to direct the manner of Issuing Executions on Loan-Office Bonds; was Read the first Time, and Ordered to lie on the Table.

The House adjourns until Tomorrow Morning 9 of the Clock

Saturday Morning June 20. 1747

June 20

The House met according to adjournment &c.

Capt. Ennalls hath Leave of the House to go Home

Samuel Chamberlaine Esq^r from the Upper House, delivers to M^r Speaker, the Bill, entituled An Act to Remedy some proceedings in the Court of Charles County, &c Indorsed By the Upper House of Assembly, June 13. 1747. Read the first time and ordered to be

L. H. J. laid on the Table and thus, By the Upper House of Assembly,
 Liber No. 34 June 19, 1747, Read the Second Time and will pass.

Signed per order. Ross Cl. Up. Ho.

Which Bill was here read, and passed for Ingrossing

The Bill, entituled, An Act Empowering the Governor and Council for the time being, to Redress certain Evils therein mentioned; was Read, and committed for Amendments.

On Motion of a member, that a Bill be brought in to prohibit the Raising of Swine and Geese, in Oxford Town, in Talbot County; Leave is given.

On Motion, that a Bill be brought in to prevent the Sale of any the parishes within this province; Leave is given.

A Bill, entituled, An Act to prohibit the Raising of Swine and Geese, in Oxford Town, in Talbot County; and was read the first and Second time by an especial Order, and will pass; was sent to the Upper House, by M^r Nicholas Goldsborough and Captain Ennalls.

The House Adjourns 'til Monday Morning, 9 of the Clock.

June 22

Monday Morning, June 22. 1747

The House met according to Adjournment, &c.

All the Members appeared as on Saturday, except Cap^t Ennalls, M^r Thomas Hammond, M^r Addison, M^r Robert Lloyd, Mess^{rs} John and Richard Gresham

Richard Lee Esq^r from the Upper House, delivers to M^r Speaker, the Bill, entituled, a Supplementary Act to the Act entituled, An Act for laying out the Town a new, commonly called Snow Hill Town, in Somerset County.

The Bill entituled, An Act to prohibit the Raising of Swine and Geese in Princess Anne Town, in Somerset County; And the Bill entituled, An Act to prohibit the Raising of Swine and Geese in Oxford Town, in Talbot County; Indors'd By the Upper House
 p. 710 of Assembly, June 22. 1747 Read the second time and will pass.

Signed per Order. Ross, Cl. Up. Ho.

Which said Bills were here Read, and passed for Ingrossing.

A Bill, entituled, An Act to cut of the Entail of 200 Acres of Land, part of a Tract called St. Patrick's Hill &c was Read the first and second time by an especial Order, and will pass; and was sent to the Upper House by M^r Harrison, and M^r Bond.

An Ingrossed Bill, entituled, An Act, to Remedy some proceedings in the Court of Charles County, and to prevent the Removal of the Records from the public Offices; was Read and assented to; and with the paper Bill thereof, sent to the Upper House, by Major Henry and M^r Mills.

A Bill, intituled, An Act to prevent the Sale of any of the parishes within this province; was Read the first time, and Ordered to lie on the Table. L. H. J.
Liber No. 34

An Ingrossed Bill, intituled, An Act to Remedy some Defects in an Indenture of Bargain and Sale from Michael Curtis, and Sarah his wife, late of St. Mary's County Deceased, to Charles Carroll Esq^r late of the City of Annapolis Deceased; was Read and assented to, and sent to the Upper House, with the paper Bill, by M^r Dulany and Col. Hall.

An Address to his Excellency, was brought in, read, approved, and Ordered to be Ingrossed.

On Motion, Leave given to bring in a Bill, to prevent the Cropping and squeezing Tobacco, Ordered That the Committee of Laws prepare a Bill accordingly.

The following Address, viz.

To his Excellency Samuel Ogle Esq^r Governor of Maryland

The Humble Address of the House of Delegates of the said province.

May it please your Excellency,

In Compliance with his Majesty's pleasure, expressed in his Grace the Duke of Newcastle's Letter to Thomas Bladen Esq^r late Governor of this province, dated at Whitehall, April 9. 1746. This House exerted themselves to the utmost ability of his Majesty's Subjects, the people of Maryland, to encourage 300 able Bodied ffreenmen to enlist in his Majesty's Service, for the intended expedition to Canada, and to transport them to the place of Rendezvous: In which Letter the said Thomas Bladen Esq^r was directed as follows; viz. As to the Article of Arms and Cloathing for the men to be raised, his Majesty has Commanded me to recommend it to you and the other Governors, to take Care that the Soldiers may be provided with them; and his Majesty has Authorized and impowered Lieutenant General S^t Clair to make a reasonable allowance for defraying that Expençe. But as no Arms were to be purchased here for that purpose, to prevent, as much as lay in our power, any Let to that Expedition, the Quantity of 300 Muskets, with slings and Bayonets, 300 Cartouch Boxes with Belts, 6 Drums 9 Half pikes, and 6 Halberts, were by Consent of this House supplied out of the Public Magazine of this province, on Condition of the like Quantity being again replaced for the use of the public, the transacting of which matter was referred to the said Thomas Bladen Esq^r and it was hoped by this House he would have taken suitable measures in relation thereto: But as it is not known to this House that anything hath been done therein, we pray that your Excellency will be pleased to use such Instances as may procure the like Quantity of Arms to be replaced in the public Magazine of this province, in lieu

L. H. J. of the aforesaid Arms supplied for that service, agreeable to the
 Liber No. 34 Clauses in an Act entituled, An Act for Issuing and taking out of
 the Office of the Commissioners or Trustees appointed for emitting
 Bills of Credit, the sum of 4500^l Current money, for Encourage-
 ment of such able bodied freeman, as shall voluntarily inlist them-
 selves into his Majesty's Service, for the intended Expedition against
 [Contriving
 should be
 conveying] Canada; and for maintaining and contriving them to the place of
 Rendezvous: As also for replacing the said Sum, and for the better
 regulating Ordinaries and Ordinary keepers; and for other pur-
 poses therein mentioned: folio 9,

Was brought in, Ingrossed; and Assented to, and Signed by Order
 of the House; by the Honourable Speaker.

Col. Dashiell, and M^r Stoddert, were sent to acquaint the Gover-
 nor, that this House hath prepared an Address to him, and desires
 to know when and where he will please to Receive it. They return,
 and Acquaint M^r Speaker, the Governor signified to them he was
 ready to Receive the Address immediately in the Conference Cham-
 ber. Col. Dashiell, and M^r Mackall, were Ordered to present the
 Address

The House adjourns 'til To Morrow Morning, 9 of the Clock.

June 23
 p. 711

Tuesday Morning, June 23. 1747

The House met according to adjournment &c.

Mess^{rs} John and Richard Gresham, and Capt. Addison appeared
 in the House.

Col. Hammond, from the Upper House, delivers to M^r Speaker
 the Bill, entituled An Act enabling and Requiring the Clerk of Balti-
 more County to Record a Deed of Bargain and Sale, from Morgan
 Murray, to Mary Stevenson &c. Indors'd By the Upper House of
 Assembly, June 23, 1747, Read the Second Time and will pass the
 following words being added thereto (see page 471)

Signed per Order Ross Cl. Up. Ho.

Which Bill was read here, and with the Amendments proposed,
 passed for Ingrossing.

A Bill, entituled, An Act empowering the Vestrymen, and Church
 wardens of All Saints Parish, in Prince George's County, or of the
 County wherein the said parish shall be, &c. was Read the first and
 second time, by an especial Order, and will pass; and was sent to
 the Upper House, by M^r Wootton and M^r Stoddert.

An Ingrossed Bill, entituled, An Act to prohibit the Raising of
 Swine and Geese, in Oxford Town, in Talbot County;

An Ingrossed Bill, entituled, A Supplementary Act to the Act,
 entituled, An Act for laying out the Town a new, commonly called
 Snow Hill Town, in Somerset County;

And an Ingrossed Bill, entituled An Act to prohibit the Raising of Swine and Geese, in Princess Ann Town, in Somerset County; were Severally Read and Assented to, and sent to the Upper House, with the Paper Bills, by Capt. Tilghman and M^r Mills.

L. H. J.
Liber No. 34

The House Adjourns til 2 of the Clock.

Post Meridiem

The House met, &c.

The Governor communicated to M^r Speaker the following Answer to the Address of this House, viz.

Gentlemen of the Lower House of Assembly.

I shall not fail, according to your Address, to do every thing in my power, to procure a reasonable allowance for the Arms taken out of our public Magazine, for the Use of the fforges raised here for his Majesty's Service.

Sam. Ogle

The Bill, entituled, An Act continuing An Act, entituled, An Act to prevent cutting up Tobacco Plants, destroying of Tobacco, and Tobacco Houses &c.

The Bill, entituled, An Act continuing An Act, entituled, An Act for punishment of Horse Stealers, and other Offenders;

The Bill, entituled, An Act continuing An Act, entituled, A Supplementary Act, to an Act, entituled An Act laying an Imposition on Negroes, and several sorts of Liquors, and also on Irish Servants, &c.

And the Bill, entituled, An Act continuing An Act, entituled, An Act to prevent the injuring of Harbours within this province &c. were Severally Read the Second time, and will pass; and were sent to the Upper House, by M^r Stoddert and Cap^t Handy.

The Governor communicated to M^r Speaker the following Message, viz.

Gentlemen of the Lower House of Assembly,

I Have this morning Received a Letter from the Governor of New England, with an Extract of another from Col. Stoddart, which is upon a matter of such Importance to all the British Colonies upon the Continent of America, that I thought my Self obliged to lay it immediately before you, for your Consideration, and make no doubt but you will readily and chearfully give all the Assistance that can be reasonably expected from us upon this occasion.

Sam. Ogle

And the following papers, viz.

Sir This will serve to inform your Honour, that by Dispatches I have received from Albany and Northampton, I find, that the Indians of the Six Nations, are generally engaged in the War against the ffrench of Canada; that diverse parties of them are now out,

L. H. J. and others Daily offering themselves; which is a point the neighbouring Governments have been labouring to carry ever since the beginning of the War, as a Matter of very great and general Concern and welfare to all his Majesty's Colonies upon the Continent; and if this Spirit, which seems thoroughly raised, and has been hitherto happily kept up, is cherished, and properly managed and directed, it may, by the blessing of God, prove of unspeakable Benefit for the safety of his Majesty's Colonies in North America. I refer your Honour to an Extract from Col. Stoddard's Letter to me, for a more particular account of this affair; and would observe, that Col. Johnson and M^r Lidins whose Influence on the Indians has been very Serviceable in bringing about this great event, are under such Engagements as they are not able to fulfil, without proper Supplies from these Governments; and if for want of that, the Indians should
 p. 712 suffer any Disappointment 'tis more than probable they will be disgusted at their being left in the Lurch by us, and will fall intirely into the Interest with the ffrench; which will be more fatal to these Colonies, than any thing that has yet befallen us. Our General Court have intrusted M^r Lidins, with this affair, and have undertaken to supply him with a Considerable sum for this Service; and he has made his Draughts for the payment thereof, which will be answered: But the parties of Indians came so fast upon him, and M^r Johnson to be fitted out for this service, that what they will Receive from this Government, will be a very inconsiderable part of what they are under Engagements for; and these Gentlemen seem to apprehend that there is great Danger of their being ruined, and the Common Cause suffer the greatest Damage that we can conceive of, unless they be releived from these Governments.

Our new Assembly for this province are now met, and having taken these matters under Consideration, have voted 4000^l Old Tenor, to put into the Hands of Col. Stoddard, to be employed in this Service; which, together with 3000^l before remitted to him in Goods, being added to the many presents which this Government have made to those Indians since the beginning of the war, may justly be esteemed so large a proportion of the Charge necessary, in the most effectual manner, to encourage the Six Nations to prosecute this war, that if the other Governments in North America would grant proportionable Sums for the same Service, 'tis highly probable that the success of these attempts would more than answer our Ex-pence; it being the most likely method to weaken and distress the ffrench at present, and to make way for the Reduction of Canada, whenever it may be attempted. This I write to your Honour, at the Request of Our General Assembly (who are much Concerned to have this affair succeed) as well as from my own earnest Desire to promote a Service, in which I think his Majesty's Interest, and the safety of his Subjects in these Colonies, is so deeply concerned: And

therefore I must pray your Honour to lay this matter before your Assembly, and to use your Influence for bringing them to join with us in promoting this matter

L. H. J.
Liber No. 34

I am, with great regard, Sir, Your Honour's most obedient,
humble Servant

W. Shirley

Extract of a Letter from Col. John Stoddard, to Governor Shirley,
Dated May 13. 1747

I send you the Letter I lately Received from Albany, by which your Excellency will perceive that the Six Nations are thoroughly engaged, and that most of them, together with some others of their allies, are likely to join in our Service, I think with your Excellency and the Council, that the Encourageing these Indians is a thing of great Importance; the Several Governments have been endeavouring for near Three years past to persuade those Tribes into a war, wherein they had not any Concern, but to serve their friends; and they seem generally got into it, and have left their Hunting and other means of Living, and exposed themselves and families for our Sakes; and can we expect they should go fight for us, and devote themselves to that Service, and we suffer them to Starve? Can we expect that they go a Warfare for us at their own Charge, or can we expect that Col. Johnson and Mr Lidins should pay the Reckoning? They have taken a great deal of pains to get the Indians into the war, and have effected more than the Governments did in a Course of years; and can it be thought that they should spend all their Substance in rewarding the Indians for their Service? It will Cost them about 600 or 700^l to fit out 100 men for war (in York Money) as may be seen by Lidus's Letter of March 26; and how many hundred will soon be out, and how many times they will go out this summer, others can guess as well as I.

To let the Design drop, now we have a hopeful prospect of distressing our Enemy, would be fatal; for the Indians may well say, as they have often suspected beforehand, that our design was to get them into the War, and then Leave them in the Lurch; and then we should fail of their Assistance, and no wonder if they should reconcile themselves to the french, which they would be glad of, and then take part with the french against us: for the Indians are of such an Humour, that if we deal justly and kindly by them, they will put their Lives in our Hands; but if we deal deceitfully with them, that will soon raise an Abhorrence of us. Col. Johnson and Mr Lidins are now under a necessity of going forward, and fitting out the Indians so long as they have any substance remaining; and when that is gone, the affair will be at an End. Therefore I see no way but for the several Governments to send Supplies of Money or Goods, to enable those Gentlemen to carry on the war: I think it altogether just, that the several Governments do Contribute towards the Charge, and doubt not but several of them would chearfully

L. H. J. agree to it upon proper Application being made to them; and 'tis
 Liber No. 34 probable that the money so expended would do us Twenty times as
 p. 713 much Service, as what we have heretofore expended on the war.
 Were it in my power, I would send 1000^l in our New England Bills,
 or in Suitable Goods to those Gentlemen for their present necessity:
 this would revive their drooping spirits (whilst they are full of Ex-
 pectations of being undone) and would greatly animate the Indians:
 such Causes ought not to be starved for want of a little oyl to keep
 the wheel in motion. Examined per. I. Willard, Secretary
 The House adjourns 'til To morrow Morning, 9 of the Clock.

June 24

Wednesday Morning, June 24. 1747

The House met according to adjournment &c.

The Bill, entituled, An Act continuing An Act of Assembly of
 this province, entituled, A Supplementary Act, to the Act, entituled,
 An Act for the more effectual punishment of Negroes, and other
 slaves &c.

And the Bill, entituled An Act, continuing An Act of Assembly
 of this Province, entituled, An Act for the effectual punishment of
 certain offenders &c. were Severally read the second time, and will
 pass, and were sent to the Upper House, by Col Hall, and M^r
 Sulivane.

An engrossed Bill, entituled An Act Enabling and Requiring the
 Clerk of Baltimore County, to Record a Deed of Bargain and Sale,
 from Morgan Murray, to Mary Stevenson, and the making valid
 the same; was Read and assented to, and sent to the Upper House,
 with the paper Bill, by Major Sheredine and Cap^t Paca.

Richard Lee Esq^r from the Upper House, delivers to M^r Speaker,
 the Bill, entituled, an Act to cut off the Entail of 200 Acres of Land,
 part of a Tract of Land Called St. Patrick's Hill &c And the Bill,
 entituled, An Act Empowering the Vestrymen and Church Wardens
 of All Saint's parish, in Prince George's County &c. Severally In-
 dorsed, " By the Upper House of Assembly, June 24. 1747. Read
 the second time, and will pass.

Signed per Order, I. Ross Cl. Up Ho."

Which Bills were Severall Read here, and passed for Ingrossing.
 The House adjourns until 2 of the Clock.

Post Meridiem

The House met according to adjournment

On Consideration of the Governor's Message of yesterday, and
 Governor Shirley's Letter, and the Extract of Col. Stoddard's Let-
 ter; Resolved, That an Address to his Excellency be prepared there-
 upon. Ordered, That the Committee of Laws prepare and bring in
 such address.

The Bill, entituled, An Act to prevent the Sale of any of the parishes within this province; was read the second time, and will pass; and being so Indorsed, was sent to the Upper House, by D^r Buchanan and Cap^t Tilghman

L. H. J.
Liber No. 34

A Bill, entituled, An Act to prevent certain Evils and Inconveniences attending the sale of strong Liquors, and Running of Horse Races near the Yearly meetings of the people called Quakers &c. was read the first time, and Ordered to lie on the Table.

The Bill, entituled, An Act for the Benefit of the poor, and Encouragement of Industry; was read the second time, and will not pass.

The House adjourns until To-Morrow Morning 9 o'clock

Thursday Morning, June 25. 1747

June 25

The House met according to adjournment, &c.

M^r Mackall, M^r John Goldsborough, Capt. Purnell, and M^r Robins, have Leave of the House to go Home.

An Ingrossed Bill entituled, An Act empowering the vestrymen and Church wardens of All Saints parish, in Prince George's County, or of the County wherein the said Parish shall be, to purchase Three seperate Acres of Land in the said Parish, whereon to Build a Church and Two Chapels of Ease; and to empower the Justices of Prince George's County, or of the County wherein the said parish shall be, to levy on the Taxable Inhabitants of the said parish the sum of Three Hundred pounds, Current Money, for the uses therein mentioned; was read and assented to, and sent to the Upper House, with the paper Bill, by M^r Wootton, and M^r Stoddert.

M^r Hammond, from the Committee of Laws, delivers to M^r Speaker an Address to the Governor; which was Read, approved and Ordered to be Ingrossed.

A Bill entituled, An Act, for raising Sterling per Hogshead on all Tobacco to be exported, for purchasing Arms and Ammunition, for an immediate supply of arms for the Defence of this province, was read the first time, and ordered to lie on the Table.

Samuel Chamberlaine Esq^r from the Upper House, delivers M^r Speaker the following Message, (See page 474)

The Bill entituled, An Act to prevent the Evils arising from the Entring up Judgments upon Bonds, commonly called Judgment Bonds &c. was Read the second time, and will pass; and being so Indorsed, was sent to the Upper House by M^r Worthington and Capt. Bayard.

On Reading the Message of this Day from the Upper House, by Samuel Chamberlaine Esq^r the Question was put, Whether this House will join in a Conference, or not? Resolved in the Affirmative.

L. H. J.
Liber No. 34

For the Affirmative		
Mr Key	Mr King	Mr Sheredine
Barnes	Dashiel	John Hall
Bond	Handy	Stoddert
Mills	R. I. Henry	Addison
Wilson	Thomas	Gordon
I. Gresham	Hooper	Dulany
R. Gresham	Sulivane	Tilghman
Harris	George	Scarborough
Smallwood	Hyland	
Harrison	Bayard	

For the Negative		
Mr Henry Hall	Mr N. Goldsborough	Mr Hopper
Carroll	I. Goldsborough	Robins
P. Hammond	Lecompte	I. Henry
Worthington	Buchanan	Purnell
Smith	Paca	
Mackall	Wootton	

The House appointed Major Sheredine, Major Henry, Dr Buchanan, Mr. P. Hammond, Mr J. Gresham, and Capt. Edward Tilghman, Conferees of this House, to join any Members to be proposed by the Upper House, in a Conference on the Subject Matter contained in the Message from the Upper House.

The following Message. (See page 475)

Was sent to the Upper House by Major Sheredine and Capt. Tilghman

The House Adjourns 'til 2 of the Clock.

Post Meridiem

The House met according to Adjournment.

The following Address, viz.

To his Excellency Samuel Ogle Esq^r Governor of Maryland.

The Humble Address of the House of Delegates of the said province

May it please your Excellency,

We have Considered the Letters from Governor Shirley, laid before us by your Excellency, and cannot with any Colour of Reason burthen the People of this province upon every suggestion of private and unknown persons, who would willingly provide for themselves; or of Governors of distant promises, who, no doubt, would ease those under their Respective Governments, at the Expence of others. The People of Maryland have lately been at great Charge in providing for, and sending to Albany Three Hundred men for his

Majestys Service; which, with the Consideration of a weighty public Debt now due, will we hope render us excused on the Subject matter of those Letters; and the more so, as it is well known we can hardly find means for the necessary Supplies of our own Domestic Affairs.

L. H. J.
Liber No. 34
p. 715

Was Read and assented to, and Signed by Order of the House by the Honourable Speaker.

D^r Buchanan and Major Barnes were sent to acquaint his Excellency this House hath prepared an Address to him, and desires to know when and where he will please to Receive it, They return, and acquaint M^r Speaker, the Governor Signified to them he would Receive it in Half an Hour's time in the Conference Chamber.

M^r Nicholas Goldsborough, and Three more, were Ordered to present the Address

Daniel Dulany Esq^r from the Upper House delivers to M^r Speaker the following Message; (See page 475)

The House adjourns 'til Tomorrow Morning 9 of the Clock.

Friday Morning, June 26, 1747

June 26

The House met according to adjournment, &c.

All appeared as yesterday, except M^r John Goldsborough, M^r Mackall, M^r Robins and Capt. Purnell.

It being moved by a Member of this House, That the Bill, entitled, An Act Empowering the Governor and Council, for the time being, to Redress certain Evils therein mentioned, should now have the second Reading: The Question was put, whether the Reading of the said Bill should be postponed to a future Day, or have now the second Reading: Resolved, That the Reading of the said Bill be postponed.

For postponing,

M ^r Key	M ^r P. Hammond	M ^r Buchanan
Mills	Worthington	Wootton
Bond	Smallwood	Addison
Wilson	N. Goldsborough	Gordon
I. Gresham	Hooper	Dulany
R. Gresham	Sulivane	Tilghman
Carroll	George	

For a Second Reading

M ^r Purnell	M ^r R. I. Henry	M ^r Paca
Harris	Thomas	John Hall
Smith	Lecompte	Stoddert
Harrison	Hyland	Hopper
King	Bayard	I. Henry
Dashiel	Sheredine	Scarborough

L. H. J. The House referred the Consideration of the said Bill, to the next
Liber No. 34 Session of Assembly.

The Bill entituled, An Act to prevent certain Evils and Inconveniencies attending the Sale of Strong Liquors, and Running of Horse Races, near the yearly meetings of the people called Quakers &c. was Read the second time, and will pass; and was sent to the Upper House by Cap^t Tilghman and M^r Harris.

M^r Philip Hammond, having an Order on the Executors of Col. Young for the sum of 13^l 16^s 8^d Gold Current Money, drawn by Order of both Houses of Assembly, last Session of Assembly. to convert into Sterling Money, to send to England, for purchasing paper, for the use of the public; and not being able, advantageously to negotiate the said Order, returned it to the Clerk of this House

Resolved, That this House do not proceed on any new Business this Session, after next Tuesday.

An Ingrossed Bill, entituled an Act to cut off the Entail of 200 acres of Land, part of a Tract of Land, Called Saint Patrick's Hill lying in Charles County &c. was Read, and assented to, and with the paper Bill, sent to the Upper House, by M^r Harrison, and Capt. Bond.

The Bill entituled, An Act to enable Onorio Razolini, to Convey in Right of Elizabeth Calvert an Infant, to George Plater Esq^r certain Lands therein mentioned; was read the second time; and will pass; and was sent to the Upper House by Major Barnes and M^r Mills.

The House adjourns 't 2 of the Clock.

Post Meridiem

The House met according to Adjournment

A Bill, entituled, An Act empowering certain Commissioners therein mentioned, to lay out, and set a price, or Cause a price to be Set, on Two Acres of Land, in S^t Margaret's Westminster parish, in Anne Arundell County, whereon the Chapel of Ease belonging
p. 716 to the said Parish now stands; was Read the first and second time by an Especial Order, and will pass; and was sent to the Upper House by M^r Worthington and Major Hall.

Edmund Jenings Esq^r from the Upper House, delivers to M^r Speaker the Bill entituled An Act continuing An Act entituled An Act for punishment of Horse Stealers, and other offenders &c. The Bill entituled, An Act continuing An Act of Assembly of this Province, entituled, A Supplementary Act to the Act entituled An Act for the more Effectual punishment of Negroes and other slaves &c. The Bill entituled An Act, continuing An Act of Assembly of this province entituled An Act for the more Effectual punishment of certain Offenders &c. The Bill, entituled An Act, continuing An Act,

to prevent the injuring Harbours within this province &c. The Bill L. H. J.
entituled An Act, continuing An Act entituled, An Act to prevent Liber No. 34
cutting up Tobacco Plants, destroying of Tobacco and Tobacco
Houses &c. And the Bill entituled An Act, continuing An Act, entituled,
A Supplementary Act, to an Act, entituled An Act, laying
an Inposition on Negroes, and several Sorts of Liquors &c. Severally
Indorsed By the Upper House of Assembly, June 26, 1747,
Read the Second Time and will pass.

Signed per Order. Ross Cl. Up. Ho.

Which Bills were Severally Read here, and passed for Ingrossing.
The House Adjourns until To Morrow Morning 9 of the Clock.

Saturday Morning, June 27, 1747.

June 27

The House met according to Adjournment &c.

Capt. Hooper, M^r Lecompte, and M^r Sulivane, have Leave of the
House to go Home.

On Reading a Second time the Bill, entituled An Act for Raising
pence sterling per Hogshead on all Tobacco to be expected,
for purchasing Arms and Ammunition, and for an immediate supply
of Arms for the Defence of this province: The Question was put,
Whether Three pence Sterling, or ffour pence Sterling per Hogs-
head, should be raised Resolved, That three pence Sterling per
Hogshead be raised.

For Three pence

M ^r Key	M ^r King	M ^r Sheredine
Barnes	Dashiel	John Hall
Bond	Handy	Addison
Mills	R. I. Henry	Gordon
I. Gresham	Thomas	Dulany
R. Gresham	George	Henry
Harris	Hyland	Scarborough
Smallwood	Bayard	

For ffour Pence

M ^r Wilson	M ^r Smith	M ^r Wootton
Henry Hall	Harrison	Stoddert
Carroll	N. Goldsborough	Tilghman
P. Hamond	Buchanan	Hopper
Worthington	Paca	

Whether the Duty mentioned in the Bill should be paid to the
Treasurers of the province, or to Col. Edward Sprigg?

L. H. J.
Liber No. 34

For the Treasurers,		
Mr Key	Mr King	Mr George
Barnes	Dashiel	Bayard
Bond	Handy	Gordon
Mills	R. J. Henry	Dulany
I. Gresham	Thomas	I. Henry
R. Gresham	Hooper	Scarborough
Harris	Sulivane	

For Col. Sprigg.

Mr Wilson	Mr Harrison	Mr John Hall
Henry Hall	N. Goldsborough	[Wootton]
Carroll	Lecompte	Stoddert
P. Hammond	Hyland	Addison
Worthington	Sheredine	Tilghman
Smith	Buchanan	Hopper
Smallwood	Paca	

The House being Divided on the Question, it was Determined by the Voice of the Honourable Speaker, That the money should be paid to Col. Edward Sprigg.

The Bill intituled An Act for Raising Three pence Sterling per Hogshead on all Tobacco to be exported, for purchasing Arms and Ammunition; and for an immediate Supply of Arms for the Defence of this province, was read the second time, and the Question was put, Whether the said Bill shall pass, or not? Resolved in the Affirmative.

For the Affirmative,

p. 717 Mr Wilson	Mr Harrison	Mr J. Hall
Henry Hall	Hooper	Stoddert
Carroll	Lecompte	Addison
P. Hammond	Hyland	Tilghman
Worthington	Sheredine	Hopper
Smith	Buchanan	
Smallwood	Paca	

For the Negative

Mr Key	Mr King	Mr Wootton
Barnes	Dashiel	Gordon
Bond	R. I. Henry	Dulany
Mills	N. Goldsborough	I. Henry
I. Gresham	Thomas	Scarborough
R. Gresham	George	
Harris	Bayard	

The House being Divided on the Question, it was determined by *L. H. J.*
the Vote of the Speaker, That the Bill do pass. *Liber No. 34*

The Bill entituled, An Act for Raising 3^d Sterling per Hogshead on all Tobacco to be exported, for purchasing Arms and Ammunition, and for an Immediate Supply of Arms for the Defense of this Province, was Indorsed, "Will pass" and was sent to the Upper House by Mr Harrison, and Cap^t Hyland.

An Ingrossed Bill, entituled, An Act, continuing An Act entituled, An Act for punishment of Horse Stealers, and other Offenders :

An Ingrossed Bill entituled, An Act continuing An Act of Assembly of this province entituled, A Supplementary Act to the Act entituled, An Act for the more effectual punishment of Negroes and other slaves, and for taking away the Benefit of Clergy from certain Offenders ; and to an Act entituled, An Act to prevent the tumultuous Meetings, and other Irregularities of Negroes, and other Slaves, and directing the manner of trying Slaves :

An Ingrossed Bill entituled, An Act continuing An Act of Assembly of this province entituled, An Act for the more effectual punishment of certain Offenders, and taking from them the Benefit of Clergy :

An Ingrossed Bill entituled, An Act continuing An Act to prevent the injuring Harbours within this province, and for repealing the Act therein mentioned :

An Ingrossed Bill entituled, An Act continuing An Act entituled, An Act to prevent cutting up of Tobacco Plants, destroying of Tobacco and Tobacco Houses ; and for ascertaining the punishment of Criminals guilty of the said Offences :

And an Ingrossed Bill entituled An Act continuing An Act entituled, A Supplementary Act to an Act entituled An Act laying an Imposition on Negroes and several Sorts of Liquors imported ; and also on Irish Servants, to prevent the importing too great a number of Irish Papists into this province : were severally Read and Assented to, and sent to the Upper House, with the paper Bills, by Major Barnes and Capt. Paca.

The House Adjourns 'til 2 of the Clock.

Post Meridiem

The House met, &c.

On Motion for Leave to bring in a Bill, to raise Three Halfpence Sterling per Hogshead on all Tobacco exported, for the use of the Governor ; the Question was put, whether Leave be given now to bring in a Bill for the purpose or not ? Resolved in the Affirmative

L. H. J.
Liber No. 34

For the Affirmative

M ^r Key	Harris	M ^r Bayard
Barnes	King	John Hall
Bond	Dashiel	Gordon
Mills	R. J. Henry	Dulany
Wilson	Thomas	J. Henry
J. Gresham	Hooper	Scarborough
R. Gresham	George	

For the Negative,

M ^r Henry Hall	M ^r Harrison	M ^r Paca
Carroll	N. Goldsborough	Wootton
Worthington	Hyland	Stoddert
Smith	Sheredine	Addison
Smallwood	Buchanan	Tilghman

Daniel Dulany Esq^r from the Upper House, delivers to M^r Speaker the Bill entituled, An Act to prevent Certain Evils and Inconveniencies attending the Sale of Strong Liquors, and Running of Horse Races, near the yearly Meetings of the people called Quakers &c. Indorsed, By the Upper House of Assembly June 27. 1747, Read the second time, and will pass.

Signed per Order. J Ross Cl. Up. Ho.

p. 718 Col. Tasker from the Upper House, delivers to M^r Speaker the Bill entituled, An Act empowering certain Commissioners therein mentioned to lay out and set a price, or cause a price to be set on Two Acres of Land, in St. Margaret's Westminster Parish, in Anne Arundel County, &c. Indors'd. By the Upper House of Assembly. June 27. 1747. Read the second time, and will pass.

Signed per Order. J Ross Cl. Up. Ho.

The House Adjourns 'til Monday Morning, 9 of the Clock

June 29

Monday Morning, June 29. 1747

The House met according to Adjournment &c.

All appeared as on Saturday, except M^r Lecompte, M^r Sulivane, and Capt. Hopper

M^r Thomas Hammond appeared in the House.

On Motion to bring in a Bill to exempt the Treasurers of this province from the Liberty of pleading the Statute of Limitations to actions to be brought on their Bonds entered into for discharge of their offices; Leave is given: Ordered, That the Committee of Laws prepare and bring in a Bill accordingly.

On Motion to bring in a Bill to revive and continue An Act entituled, An Act for the more effectual publication of the Laws of this province, and for the Encouragement of Jonas Green, printer; Leave

is given: Ordered, That the Committee of Laws prepare and bring in a Bill accordingly. L. H. J.
Liber No. 34

The Bill entituled, An Act to prevent certain Evils and Inconveniencies attending the Sale of Strong Liquors, and Running of Horse Races, near the yearly meeting of the people Called Quakers.

And the Bill entituled, An Act Empowering certain Commissioners therein mentioned, to lay out, and set a price, or cause a price to be set, on Two Acres of Land, in S^t Margaret's Westminster parish, in Anne Arundel County; were severally Read, and passed for Ingrossing.

The House Adjourns 'til To Morrow Morning 9 of the Clock

Tuesday Morning, June 30. 1747

June 30

The House met according to Adjournment, &c.

Cap^t Hooper, and Cap^t Ennalls appeared in the House.

A Bill entituled, An Act Reviving An Act entituled, An Act for the Speedy and effectual publication of the Laws of this province, and for the Encouragement of Jonas Green of the City of Annapolis, printer; was Read the first time, and Ordered to lie on the Table.

The House taking into Consideration the proposals made by the Conferees of the Upper House, to the Conferees of the Lower House, relating to the Bill for the Amendment of the Staple of Tobacco &c. The Question was put, whether it shall be an Instruction to the Conferees of this House, to agree to an alteration of the Clause in the Bill relating to the appointment of Inspectors, or not? Resolved in the Affirmative.

For the Affirmative.

Mr Key	Mr King	Mr Sheredine
Barnes	Dashiel	Paca
Bond	Handy	John Hall
Mills	R. I. Henry	Addison
I. Gresham	Thomas	Gordon
R. Gresham	Hooper	Dulany
Harris	George	Tilghman
Smallwood	Hyland	I. Henry
Harrison	Bayard	

For the Negative

Mr Wilson	Mr Worthington	Mr Wootton
Henry Hall	Smith	Stoddert
Carroll	N. Goldsborough	Scarborough
P. Hammond	Buchanan	T. Hammond

L. H. J. The Question was put, whether the Vestrymen shall nominate
 Liber No. 34 Three or ffour Inspectors? Resolved, That the Vestry shall nominate
 four Inspectors

For four Inspectors

M ^r Key	M ^r King	M ^r Bayard
Barnes	Dashiel	I. Hall
Bond	Handy	Gordon
Mills	R. I. Henry	Dulany
I. Gresham	Thomas	I. Henry
R. Gresham	Hooper	Scarborough
Harris	George	
Harrison	Hyland	

p. 719

For three Inspectors,

M ^r Wilson	M ^r Smith	M ^r Paca
Henry Hall	Smallwood	Wootton
Carroll	N. Goldsborough	Stoddert
P. Hammond	Sheredine	Addison
Worthington	Buchanan	Tilghman

The Question was put, Whether the Money to be taken out of the
 Loan Office, for building of Warehouses, and other Conveniencies,
 at the Commencement of the Act, be at the Expence of the Public,
 or of the particular County? Resolved, That it be at the Expence
 of the public.

For it's being at the Expence of the public.

M ^r Key	M ^r King	M ^r Bayard
Barnes	Dashiel	Sheredine
Bond	Handy	John Hall
Mills	R. I. Henry	Addison
J. Gresham	Thomas	Gordon
R. Gresham	Hooper	Dulany
Harris	George	J. Henry
Harrison	Hyland	Scarborough

For it's being at the Expence of the particular County

M ^r Henry Hall	M ^r Smallwood	M ^r Stoddert
Carroll	N. Goldsborough	T. Hammond
P. Hammond	Buchanan	Tilghman
Worthington	Paca	
Smith	Wootton	

The Question was put, Whether this House agrees to the ffes
 prosed by the Conferees of the Upper House, or not? Resolved in
 the negative.

The Question was put, Whether the Conferees of the Lower House be instructed to propose to the Conferees of the Upper House, an alteration of the fees mentioned in the Bill, or not? Resolved in the Affirmative. L. H. J.
Liber No. 34

For the Affirmative

M ^r Key	M ^r Dashiell	M ^r Buchanan
Barnes	Handy	Paca
Bond	R. I. Henry	John Hall
Mills	Thomas	Addison
I. Gresham	Hooper	Gordon
R. Gresham	George	Dulany
Harris	Hyland	Tilghman
Harrison	Bayard	
King	Sheredine	

For the Negative

M ^r Wilson	M ^r Smith	M ^r T. Hammond
Henry Hall	Smallwood	J. Henry
Carroll	N. Goldsborough	Scarborough
P. Hammond	Wootton	
Worthington	Stoddert	

The House adjourns until 2 of the Clock

Post Meridiem

The House met according to adjournment

The previous Question being determined; the Question was put, Whether the Conferees from this House, shall be instructed to acquaint the Conferees of the Upper House, that this House is willing that one fifth shall be deducted from the Commissary General and Secretary's fees, according to the Regulation of fees made in the Bill in 1745; and which passed both Houses at that time, subjected to the Deduction mentioned in the Bill, or not? Resolved in the Affirmative.

For the Affirmative

M ^r Key	M ^r Harrison	M ^r Hyland
Barnes	King	Bayard
Bond	Dashiell	Sheredine
Mills	Handy	John Hall
I. Gresham	R. J. Henry	Addison
R. Gresham	Thomas	Gordon
Harris	George	Dulany

L. H. J.
Liber No. 34

For the Negative

Mr Wilson	Mr Smallwood	Mr Stoddert
Henry Hall	N. Goldsborough	T. Hammond
Carroll	Hooper	Tilghman
P. Hammond	Buchanan	Hopper
Worthington	Paca	J. Henry
Smith	Wootton	Scarborough

The Question was put, whether the Question shall be put? viz. Whether it shall be an Instruction to the Conferees, that this House agrees that Addition be made to the ffees in the Bill adequate to the Service, where they are too low rated; or whether this Question shall be put viz. Whether it shall be given as an Instruction to the Conferees of this House, to inform the Conferees of the Upper House, that this House is willing that the Judge of the Land Office, and all the inferior Officers, rate their Tobacco at one ffourth Deduction from the ffees, as they now Charge them, or not? Carried, that the last be the Question put.

For the last Question being put.

Mr Key	Mr Harrison	Mr Hyland
Barnes	King	Bayard
Bond	Dashiel	Sheredine
Mills	Handy	John Hall
I. Gresham	R. I. Henry	Addison
R. Gresham	Thomas	Gordon
Harris	George	

For the first Question being put,

Mr Wilson	Mr N. Goldsborough	Mr T. Hammond
Henry Hall	Hooper	Tilghman
Carroll	Ennalls	Hopper
P. Hammond	Buchanan	J. Henry
Worthington	Paca	Scarborough
Smith	Wootton	
Smallwood	Stoddert	

The last Question being put was carried in the Affirmative.

The Question was put, whether the Conferees of this House, shall be instructed to acquaint the Conferees of the Upper House, that this House is willing that ffees to the Examiner General be allowed in the Bill rating his ffees, in the same manner as the Judge of the Land Office, and inferior Officers, are allowed to Charge, or not? Resolved in the Affirmative.

For the Affirmative,

L. H. J.
Liber No. 34

M ^r Key	M ^r Dashiell	M ^r Sheredine
Barnes	Handy	John Hall
Bond	R. I. Henry	Addison
Mills	Thomas	Gordon
I. Gresham	Hooper	Dulany
R. Gresham	Ennalls	J. Henry
Harris	George	Scarborough
King	Bayard	

For the Negative

M ^r Wilson	M ^r Smallwood	M ^r Stoddert
Henry Hall	N. Goldsborough	T. Hammond
Carroll	Hyland	Tilghman
P. Hammond	Buchanan	Hopper
Worthington	Paca	
Smith	Wootton	

The House adjourns 'til To Morrow Morning 9 of the Clock

Wednesday Morning July 1, 1747.

July 1

The House met according to adjournment, &c.

M^r Lloyd appeared in the House. D^r Buchanan hath leave of the House to go Home

A Bill entituled, An Act for the Building a new Court House in Cecil County, was read the first time and Ordered to lie on the Table.

A Bill entituled, An Act repealing An Act of Assembly entituled, An Act to enable the Rector, Vestrymen and Churchwardens, for the time being, of St. Anne's Parish in Anne Arundel County, to Lease certain Lots in the City of Annapolis, in manner and to the uses therein mentioned; and to enable the said Rector, Vestrymen, and Churchwardens, to Lease certain Lots of Land within the said City of Annapolis; was Read the first time, and Ordered to lie on the Table.

An Ingrossed Bill entituled, An Act empowering certain Commissioners therein mentioned, to lay out and set a price or cause a price to be set, on Two Acres of Land, in S^t Margaret's Westminster parish, in Anne Arundell County, whereon the Chapel of Ease belonging to the said parish now stands: And an Ingrossed Bill entituled, An Act to prevent certain Evils and Inconveniencies attending the sale of strong Liquors, and running of Horse Races, near the yearly meetings of the people Called Quakers and to prevent the tumultuous Concourse of negroes and other Slaves during the said Meetings: were Severally Read and Assented to and sent to the

L. H. J. Upper House, with the paper Bills, by Capt. Tilghman and M^r
Liber No. 34 Harrison

A Bill entituled, An Act for the Enlargement of Baltimore Town
in Baltimore County, and other purposes therein mentioned, was
Read the first Time, and Ordered to lie on the Table.

p. 721 A Bill entituled, An Act to prevent the Act of Limitation taking
place, or being pleadable in the Case of Treasurers Bonds was Read
the first time, and Ordered to lie on the Table.

The House Adjourns 'til Two of the Clock

Post Meridiem

The House met according to Adjournment.

M^r Green, the Printer, having made a Remonstrance, to this
House, desiring an allowance for Services &c. The Question was
put, whether Jonas Green, Printer, shall have any further allowance
for Services and Disappointments before this Session, than what has
been already made to him, or not? Resolved in the Negative.

For the Negative,

M ^r Wilson	M ^r Dashiel	M ^r Hyland
Worthington	Handy	Wootton
Smith	N. Goldsborough	Stoddert
Smallwood	Lloyd	Addison
Harrison	Hooper	T. Hammond
King	Ennalls	I. Henry

For the Affirmative

M ^r Key	M ^r Henry Hall	M ^r Gordon
Barnes	Thomas	Dulany
Bond	George	Hopper
Mills	Bayard	Scarborough
R. Gresham	Paca	
Harris	John Hall	

The House adjourns 'til To morrow Morning 9 of the Clock

July 2

Thursday Morning, July 2. 1747

The House met according to [Adjournment] &c.

All appeared as yesterday, except D^r Buchanan.

The House taking into Consideration a proposal made by the
Conferees of the Upper House to the Conferees of the Lower House,
as to a Clause in the Bill entituled An Act for amending the Staple
of Tobacco &c relating to discharging the public and County Levies,
after a Deduction of one fifth, shall be discharged after the Com-

mencement of the Bill entituled, An Act for amending the Staple of Tobacco &c at 12^s 6^d for every hundred pounds of Tobacco; or at 10^s. Resolved, That they be discharged at 12^s 6^d for every Hundred pounds of Tobacco. L. H. J.
Liber No. 34

For 12^s 6^d

M ^r Key	M ^r King	M ^r I. Hall
Barnes	Dashiel	Stoddert
Bond	Handy	Addison
Mills	R. I. Henry	Gordon
Wilson	Thomas	Dulany
I. Gresham	Lloyd	Tilghman
R. Gresham	Hooper	Hopper
Harris	George	I. Henry
Henry Hall	Bayard	Scarborough
Smallwood	Sheredine	
Harrison	Paca	

For 10^s

M ^r Carroll	M ^r Smith	M ^r Hyland
P. Hammond	N. Goldsborough	Wootton
Worthington	Ennalls	T. Hammond

The House Adjourns 'til 2 of the Clock.

Post meridiem

The House met according to adjournment.

The House adjourns 'til To Morrow Morning 9 of the Clock.

Friday Morning, July 3. 1747

July 3

The House met according to adjournment &c.

All appeared as yesterday except M^r Nicholas Goldsborough

M^r George from the Committee of Laws delivers to M^r Speaker a Bill entituled, An Act for raising a Duty of Three Half pence Sterling per Hogshead on all Tobacco exported out of this province, for the use of the Governor; which was read the first Time, and Ordered to lie on the Table.

Col. Hammond from the Upper House delivers to M^r Speaker p. 722 the Bill entituled, An Act to enable Onorio Razolini to convey, in Right of Elizabeth Calvert, an Infant, to George Plater Esq^r certain Lands therein mentioned, Indorsed "By the Upper House of Assembly, July 3. 1747: Read the second time and will pass.

Signed per Order J Ross Ct. Up. Ho.

The House Adjourns 'til 2 of the Clock.

L. H. J.
Liber No. 34

Post Meridiem

The House met according to Adjournment.

M^r Smith, from the Committee of Elections and Privileges, delivers to M^r Speaker the following Report, viz.

By the Committee of Elections and privileges, July 3. 1747

Your Committee having inspected the Writ directed to the Sheriff of Dorchester County, with the Indenture thereunto annexed, do find, That M^r Daniel Sulivane, a Member for the said County, is duly returned. We also find by the writs directed to the sheriff of Somerset County with the Indentures thereunto annexed. That Messieurs Isaac Handy and Robert Jenkins Henry, members for the said County of Somerset, are likewise duly returned.

And submit the same to the Consideration of your Honourable House.

Signed per Order. Richard Dorsey Cl. Com.

The Conferees of the House having Returned, and acquainted M^r Speaker, that the Conferees of the Upper House proposed to them to go through the several Clauses of the Bill, before they gave Answer to the last Instruction given by this House to their Conferees thereupon; The Question was put, whether the Conferees of this House shall be instructed to proceed on the Bill entituled, An Act for amending the staple of Tobacco, &c. leaving the answer of the Conferees of the Upper House to the last Instruction given by this House, to be considered hereafter; or not? Resolved in the Affirmative

For the Affirmative

M ^r Key	M ^r Harrison	M ^r Hyland
Barnes	King	Bayard
Bond	Dashiel	Addison
Mills	Handy	Gordon
I. Gresham	R. I. Henry	Dulany
R. Gresham	Thomas	I. Henry
Harris	George	

For the Negative

M ^r Wilson	M ^r Smith	M ^r Stoddert
Henry Hall	Smallwood	T. Hammond
Carroll	Lloyd	Tilghman
P. Hammond	Ennalls	Hopper
Worthington	Wootton	Scarborough

The House adjourns until To Morrow Morning 9 of the Clock.

Saturday Morning July 4. 1747

L. H. J.
Liber No. 34
July 4

The House met according to adjournment &c.

All appeared as yesterday except M^r Philip Hammond.

M^r Harris from the Committee of Laws, delivers to M^r Speaker a Bill entituled, An Act for repairing and amending the Public and County Goal, in the City of Annapolis: Which Bill was Read the first time, and Ordered to lie on the Table.

The House adjourns 'til 2 of the Clock.

Post Meridiem

The House met, &c.

It being proposed by the Upper House, to the Conferees of the Lower House, that the allowance for Copying and Recording in the Land Office, for the Clerk of the Council, and for the Clerk of the Court of Appeals, be nine pounds of Tobacco for every 105 words; and the same being Reported by the Conferees of this House, the Question was put, whether the Copying and Recording in the Land Office, for the Clerk of the Council, and Clerk of the High Court of Appeals, shall be nine pounds of Tobacco for every 105 words, or not? Resolved in the Affirmative.

For the Affirmative

M ^r Key	M ^r Harrison	M ^r Hyland
Barnes	King	Bayard
Bond	Dashiel	Sheredine
Mills	Handy	John Hall
I. Gresham	R. J. Henry	Gordon
R. Gresham	Thomas	Dulany
Harris	George	

For the Negative

p. 723

M ^r Wilson	M ^r Hooper	M ^r Tilghman
Worthington	Ennalls	Hopper
Smith	Wootton	I. Henry
Smallwood	Stoddert	Scarborough
Lloyd	T. Hammond	

The House adjourns until Monday Morning 9 of the Clock

Monday Morning, July 6. 1747

July 6

The House met according to adjournment &c.

All present as on Saturday, except M^r Thomas Hammond and Capt. Paca.

M^r William Wilkinson appeared in the House.

L. H. J. On Motion that the Conferees of this House be instructed to
 Liber No. 34 propose to the Conferees of the Upper House, that a part of the Attorney fees be Deducted by the Bill, entituled, An Act for amending the Staple of Tobacco &c. the Question was put, Whether one fourth or one fifth be proposed to be deducted from Attorneys fees? Resolved that one fifth be proposed to be deducted.

For a fifth to be Deducted

M ^r Barnes	M ^r King	M ^r Bayard
Bond	Dashiel	John Hall
Mills	Handy	Sheredine
I. Gresham	Thomas	Gordon
R. Gresham	Lloyd	Dulany
Harris	Hooper	I. Henry
Wilkinson	Ennalls	
Harrison	Hyland	

For a fourth to be Deducted

M ^r Wilson	M ^r R. I. Henry	M ^r Tilghman
Worthington	George	Hopper
Smith	Wootton	Scarborough
Smallwood	Stoddert	

The House Adjourns until 2 of the Clock

Post Meridiem

The House met &c.

The Bill entituled, An Act Repealing An Act of Assembly entituled, An Act to enable the Rector, Vestrymen, and Churchwardens, for the time being, of St. Anne's Parish in Anne Arundell County, to lease certain Lots &c. was Read the second time and will pass, and was sent to the Upper House by Cap^t Gordon and Capt. Hyland.

The Bill entituled, An Act for Repairing and Amending the public and County Goal &c. was Read the second time and will pass; and was sent to the Upper House by M^r Harris and M^r Mills.

The Bill entituled, An Act for the Enlargement of Baltimore Town &c. was Read the second time and will pass; and was sent to the Upper House by Col. Hall and M^r Stoddert.

It being proposed by the Conferees of the Upper House to the Conferees of the Lower House, that the Clauses mentioned in the Table of fees, for Services to be done, and mentioned in the Bill entituled, An Act for amending the Staple of Tobacco &c. and for which payment is not therein particularly expressed, be allowed; and the same being Reported to this House, the Question was put, Whether this House doth agree that the Clauses mentioned in the

Table of fees, in the Bill entituled, An Act for amending the Staple of Tobacco &c. for Services to be done, and not therein particularly expressed, be allowed or not? Resolved in the Affirmative. L. H. J.
Liber No. 34

For the Affirmative

M ^r Key	M ^r Harrison	M ^r George
Barnes	Wilkinson	Bayard
Bond	King	Sheredine
Mills	Dashiel	John Hall
I. Gresham	Handy	Addison
R. Gresham	R. I. Henry	Gordon
Harris	Thomas	Dulany

For the Negative

M ^r Henry Hall	M ^r Ennalls	M ^r Tilghman
Worthington	Hyland	I. Henry
Smallwood	Wootton	Scarborough
Lloyd	Stoddert	

Major Sheredine from the Conferees of both Houses, delivers to M^r Speaker the following Report; viz.

At a Conference begun and held in the Loan Office on the 25th Day of June, 1747, and by frequent adjournments continued until the 6th Day of July, in the same Year.

Were Present

The Honourable James Hollyday, Philip Thomas, Daniel Dulany, p. 724
Esquires of the Upper House

M^r Philip Hammond, Capt. Edward Tilghman, D^r George Buchanan, M^r John Gresham, Major Robert Jenkins Henry and Major Thomas Sheredine, of the Lower House

Who make Choice of Col. James Hollyday to be their Chairman, and William Wilkins their Clerk

The following Report was agreed upon, by the Conferees of both Houses, viz.

The said Conferees, having agreed to the several Alterations and Amendments proposed to be made to the Bill entituled.

An Act for Regulating the Staple of Tobacco &c. and that all literal mistakes in the said Bill shall be corrected.

Signed per Order, W^m Wilkins, Clerk.

With which the House concurs.

Philip Thomas Esq^r from the Upper House, delivers to M^r Speaker, the Bill entituled, An Act for amending the Staple of Tobacco &c Indorsed, By the Upper House of Assembly, July 6. 1747

L. H. J. Read the Second time, and will pass, with the Amendments agreed
 Liber No. 34 on by the Conferees, approved of by both Houses, and sent with the
 Bill. Signed per Order, J Ross Cl. Up. Ho.

The House adjourns 'til Tomorrow Morning 9 of the Clock.

July 7

Tuesday Morning July 7. 1747

The House met according to adjournment &c.

The House adjourns 'til 2 of the Clock

Post Meridiem

The House met according to Adjournment

The Bill entituled, An Act for amending the Staple of Tobacco, &c was Read, with the amendments agreed on by the Conferees of both Houses; and the Question was put, whether the said Bill shall pass for Ingrossing or not? Resolved in the Affirmative.

For the Affirmative.

M ^r Key	M ^r Wilkinson	M ^r Hyland
Barnes	King	Bayard
Bond	Dashiel	Sheredine
Mills	Handy	John Hall
I. Gresham	R. I. Henry	Addison
R. Gresham	Hooper	Gordon
Harris	George	Dulany
Henry Hall	Thomas	Tilghman
Harrison	Lloyd	

For the Negative

M ^r Wilson	M ^r Worthington	M ^r Hopper
Smith	Ennalls	I. Henry
Smallwood	Wootton	Scarborough
Carroll	Stoddert	

Which Bill was accordingly Indorsed, Read with the Amendments agreed on by the Conferees of both Houses, and passed for Ingrossing.

The Bill entituled, An Act to prevent the Act of Limitation taking place, or being pleadable in the Case of Treasurers Bonds; was Read the second time, and will pass; and being so Indorsed, was sent to the Upper House, by Major Henry & M^r Dulany.

The Bill, entituled An Act for building a new Court House for Cecil County; was Read the Second time and will not pass.

George Plater Esq^r from the Upper House, delivers to M^r Speaker the Bill, entituled An Act to prevent the Evils Rising from the

entering up Judgments upon Bonds, commonly called Judgment Bonds &c Indorsed (see page 705)

L. H. J.
Liber No. 34
p. 725

The House adjourns until To morrow Morning 9 of the Clock.

Wednesday Morning July 8. 1747

July 8

The House met according to adjournment &c.

M^r Paca appeared in the House.

Samuel Chamberlaine Esq^r from the Upper House, delivers to M^r Speaker the Bill, entituled An Act for repairing and amending the publick and County Goal in the City of Annapolis; and the Bill, entituled An Act of Assembly, entituled An Act to enable the Rector Vestrymen, and Churchwardens, 'for the time being, in St. Anne's Parish, in Anne Arundel County, to Lease certain Lots in the City of Annapolis &c severally Indorsed, By the Upper House of Assembly, July 7. 1747. Read the Second Time, and will pass.

Signed per Order J. Ross Cl. Up. Ho

Which Bills were Severally Read here, and passed for Ingrossing.

Col. Tasker from the Upper House, delivers to M^r Speaker the Bill, entituled An Act for Raising Three pence Sterling per Hogs-head &c. (See page 485)

On Reading the Alterations proposed by the Upper House to the said Bill, the Question was put, whether this House agrees that the Money to be raised by the Bill, entituled An Act for Raising Three pence Sterling &c. shall be paid to the Treasurers of this province, as proposed by the Upper House, or not? Resolved in the Affirmative

For the Affirmative

M ^r Key	M ^r Dashiel	M ^r Sheredine
Barnes	Handy	John Hall
Bond	R. I. Henry	Gordon
Mills	Thomas	Dulany
I. Gresham	Hooper	I. Henry
R. Gresham	Ennalls	Scarborough
Harris	George	
King	Bayard	

For the Negative

M ^r Wilson	M ^r Harrison	M ^r Stoddert
Henry Hall	Wilkinson	Addison
Carroll	Lloyd	Tilghman
Worthington	Hyland	Hopper
Smith	Wootton	
Smallwood	Paca	

L. H. J. On Reading another Alteration proposed by the Upper House to
 Liber No. 34 the aforesaid Bill, the Question was put, whether the following
 proviso, viz.

(Provided always, that nothing herein Contained shall extend, or
 be Construed to attend, to prejudice or take away any Right or
 Claim which the people of this province have, or ought to have, to
 any Monies heretofore, or now levied, by the Right Honourable the
 Lord proprietary, under Colour of an Act of Assembly, made in
 the year 1704, entituled An Act for the Settlement of an Annual
 p. 726 Revenue upon her Majesty's Governor within this province for the
 time being, or by any other Ways or Means whatsoever.)

Shall be left out of the Bill, as proposed by the Upper House or
 not? Resolved in the affirmative

For the Affirmative

M ^r Key	M ^r King	M ^r George
Barnes	Dashiel	Bayard
Bond	Handy	John Hall
Mills	R. J. Henry	Gordon
I. Gresham	Thomas	Dulany
R. Gresham	Hooper	I. Henry
Harris	Ennalls	Scarborough

For the Negative

M ^r Wilson	M ^r Harrison	M ^r Wootton
Henry Hall	Wilkinson	Stoddert
Carroll	Lloyd	Addison
Worthington	Hyland	Tilghman
Smith	Sheredine	Hopper
Smallwood	Paca	

The following Message, (See page 485)

Was sent to the Upper House, with the Bill, entituled An Act for
 raising Three pence Sterling &c. by Mess^{rs} Harris and Dulany.

The House Adjourns until 2 of the Clock.

Post Meridiem

The House met &c.

Col. Hammond from the Upper House, delivers M^r Speaker the
 following message, (See page 485)

And the Bill entituled An Act for Raising Three pence Sterling
 &c. which Bill was here Read, with the Amendments proposed, and
 passed for Ingrossing.

Edmund Jenings Esq^r from the Upper House delivers to M^r
 Speaker the Bill, entituled An Act for the Enlargement of Baltimore
 Town, in Baltimore County &c. Indorsed; (See page 485)

On Consideration of the Amendments proposed by the Upper House, the Question was put, whether this House Agrees to the provisoe aforesaid, to be Inserted in the Bill, as proposed by the Upper House, or not? L. H. J.
Liber No. 34

Resolved in the affirmative.

For the Affirmative,

M ^r Barnes	M ^r Dashiel	M ^r Bayard
Mills	Handy	John Hall
I. Gresham	R. I. Henry	Gordon
R. Gresham	Thomas	Dulany
Harris	George	I. Henry
King	Hyland	Scarborough

For the Negative

M ^r Key	M ^r Smallwood	M ^r Wootton
Bond	Harrison	Stoddert
Carroll	Wilkinson	Addison
Worthington	Hooper	Tilghman
Smith	Ennalls	Hopper

Which Bill was Read with the Amendments proposed, and passed for Ingrossing.

The Bill, entituled An Act for Raising Three pence Sterling &c. was Read with the Amendments proposed, and passed for Ingrossing.

M^r Harris, from the Committee of Laws, delivers to M^r Speaker, an Ingrossed Bill, entituled An Act for Raising Three pence Sterling &c. which was Read and Assented to.

The House Adjourns until To morrow Morning 9 of the Clock. p. 727

Thursday Morning July 9. 1747

July 9

The House met according to Adjournment &c.

The Ingrossed Bill, entituled An Act for raising Three Pence Sterling &c. was sent to the Upper House, with the Paper Bill by Capt. Ennalls and Captain Bond.

An Ingrossed Bill, entituled An Act for amending the Staple of Tobacco &c. was Read and assented to, and sent to the Upper House with the paper Bill, by Major Sheredine and Major Henry.

An Ingrossed Bill, entituled An Act for the Enlargement of Baltimore Town &c. And an Ingross'd Bill, entituled An Act to enable Onorio Razolini, to Convey in Right of Elizabeth Calvert an Infant, to George Plater Esq^r certain Lands therein mentioned; were Severally Read and Assented to, and sent to the Upper House with the paper Bills by Cap^t Ennalls and Major Hall.

The House Adjourns until 2 of the Clock

L. H. J.
Liber No. 34

Post Meridiem

The House met &c.

An Ingross'd Bill, entituled An Act for Repairing and Amending the Public and County Goal in the City of Annapolis. And an Ingross'd Bill, entituled An Act to prevent Evils arising from the entering up Iudgments upon Bonds, commonly called Judgment Bonds &c were Severally Read and Assented to, and sent to the Upper House, with the Paper Bills, by Col. Dashiell and Cap^t Bayard.

James Holliday Esq^r from the Upper House, delivers to M^r Speaker the Bill, entituled An Act to Divide Prince Georges County &c Indors'd, By the Upper House of Assembly July 9. 1747 Read the second Time, and will pass, the words from and after the 10th Day of December next, in the 5th and 6th Lines of the 1st page being left out, and the following words Inserted; within one month after the R^t Hon. the Lord Proprietary shall have signified his Assent to or approbation of this Act.

Signed per Order J Ross Cl. Up. Ho.

And the following Message, (See page 489)

This House taking into Consideration the alteration proposed, doth not agree therewith; thereupon the Question was put, Whether it shall be proposed by a Message to the Upper House; that the Commencement of the Bill, entituled An Act to Divide Prince George's County &c. may be made to the place on the 10th Day of December 1749: Resolved, That it be proposed that the Bill have a Commencement from the 10th Day of December 1748.

For the Commencement of the Bill, 1748

M ^r Bond	M ^r Harrison	M ^r John Hall
R. Gresham	Wilkinson	Wootton
Henry Hall	Thomas	Stoddert
Carroll	Lloyd	Tilghman
Worthington	Ennalls	J. Henry
Smith	Hyland	Hopper
Smallwood	Paca	

For the Commencement of the Bill 1749

M ^r Key	M ^r Dashiell	M ^r Addison
Barnes	Handy	Gordon
Mills	R. I. Henry	Dulany
I. Gresham	Hooper	Scarborough
Harris	George	
King	Bayard	

Edmund Jenings Esq^r from the Upper House, delivers to M^r Speaker the Bill, entituled An Act for Trial of all matters of ffact

in the several Counties, &c. Indors'd " By the Upper House of Assembly, July 9. 1747. Read, and with the Amendments proposed in a Message herewith sent, will pass. L. H. J.
Liber No. 34

Signed per Order, J Ross Ct. Up. Ho.

With the following proposals (See page 486)

On Reading the aforesaid Proposals; Ordered, That a Message be prepared and sent to the Upper House (See page 490)

Was sent to the Upper House, with the Bill entituled An Act to Divide Prince George's County &c by Capt. Addison and Cap^t Bayard.

The following Message, (See page 489)

Which Amendment being here Read, this House doth not concur therewith, and the said Bill was accordingly laid aside

The House adjourns 'til To morrow Morning 9 of the Clock.

Friday Morning July 10. 1747

July 10

The House met according to adjournment &c.

An Ingrossed Bill entituled, An Act Repealing An Act of Assembly entituled, An Act to enable the Rector, Vestrymen and Churchwardens, for the time being, of St. Anne's parish, in Anne Arundel County, to Lease certain Lots in the City of Annapolis &c was Read and assented to, and sent to the Upper House, with the paper Bill, by M^r Worthington and Major Hall.

The House adjourns until 2 of the Clock

Post Meridiem

The House met according to adjournment.

George Plater Esq^r from the Upper House, delivers to M^r Speaker the following Message, (See page 491)

And the Bill entituled An Act for Tryal of all matters of ffact &c.

On Considering the first alteration proposed by the Upper House, to the assize Bill, the Question was put, whether these words and not elsewhere, should be left out of the Bill, or not? Resolved in the Affirmative.

For the Affirmative.

M ^r Key	M ^r King	M ^r George
Barnes	Dashiel	Bayard
Bond	Handy	Gordon
Wilson	R. I. Henry	Dulany
I. Gresham	Thomas	I. Henry
R. Gresham	Hooper	Scarborough
Harris	Ennals	

L. H. J.
Liber No. 34

For the Negative

Mr Henry Hall	Mr Wilkinson	Mr Wootton
Carroll	Lloyd	Stoddert
Worthington	Hyland	Addison
Smith	Sheredine	Tilghman
Smallwood	Paca	Hopper
Harrison	I. Hall	

The Question was put, Whether this House agrees to the alteration proposed by the Upper House, to the assize Bill, in Relation to Special Verdicts, or not? Resolved in the Affirmative.

(The same Gentlemen were on each side this Question as on the last.)

This Question was put whether these words, unless the party or parties accused or prosecuted, pray Judgment may be given immediately, that then and in such Case, the Iudge or Judges of assize shall and may proceed to Judgment therein; any Law, Vsage, or Custom, to the Contrary notwithstanding, mentioned in the assize Bill, and proposed by the Upper House, to be Omitted, shall be left out of the Bill, or not? Resolved in the Affirmative.

(The same Gentleman were on each side this Question, as on the two last)

This Question was put whether the Duration of the assize Bill, shall be until the first Day of November 1749. As proposed by the Upper House, or not? Resolved in the Affirmative.

p. 730

For the Affirmative

Mr Key	Mr Harris	Mr Ennals
Barnes	King	George
Bond	Dashiel	Bayard
Mills	Handy	Gordon
Wilson	R. I. Henry	Dulany
I. Gresham	Thomas	I. Henry
R. Gresham	Hooper	Scarborough

For the Negative

Mr Henry Hall	Mr Wilkinson	Mr Wootton
Carroll	Lloyd	Stoddert
Worthington	Hyland	Addison
Smith	Sheredine	Tilghman
Smallwood	Paca	Hopper
Harrison	John Hall	

The Bill entituled An Act for Tryal of all matters of ffact &c was read with the Amendments proposed; and the Question was put

whether it shall pass for Ingrossing or not? Resolved in the Affirmative L. H. J.
Liber No. 34

For the Affirmative

M ^r Key	M ^r King	M ^r George
Barnes	Dashiel	Bayard
Bond	Handy	Gordon
Mills	R. I. Henry	Dulany
I. Gresham	Thomas	I. Henry
R. Gresham	Hooper	Scarborough
Harris	Ennalls	

For the Negative

M ^r Carroll	M ^r Lloyd	M ^r Stoddert
Worthington	Hyland	Addison
Smith	Sheredine	Tilghman
Smallwood	Paca	Hopper
Harrison	John Hall	
Wilkinson	Wootton	

The aforesaid Bill entituled, An Act for Tryal of all matters of ffact &c. was Indorsed, Read with the amendments proposed, and passed for Ingrossing.

The House adjourns until To morrow Morning 9 of the Clock.

Saturday Morning July 11. 1747

July 11

The House met according to adjournment &c.

On Reading the second time, the Bill entituled, An Act for Raising a Duty of Three Half pence Sterling per Hogshead &c. the Question was put, Whether the said Bill shall pass or not? Resolved in the Affirmative.

For the Affirmative

M ^r Key	M ^r Handy	M ^r Gordon
Barnes	R. I. Henry	Dulany
Bond	Hooper	Tilghman
Mills	Ennalls	Hopper
I. Gresham	George	I. Henry
R. Gresham	Bayard	Scarborough
Harris	Addison	Thomas
King	Sheredine	Lloyd
Dashiel	John Hall	

For the Negative

M ^r Wilson	M ^r Smith	M ^r Hyland
H. Hall	Smallwood	Wootton
Carroll	Harrison	Stoddert
Worthington	Wilkinson	Paca

L. H. J. The Bill entituled, An Act for raising a Duty of Three Half pence
 Liber No. 34 &c. was Indorsed, “ Read the second time, and will pass ”; and was sent to the Upper House by M^r Lloyd and Cap^t Addison

Col. Hooper from the Committee of Laws, delivers to M^r Speaker an Address to the Governor; which was Read, approved and Ordered to be Ingrossed.

A Bill entituled, An Act Reviving An Act of Assembly of this province entituled, An Act ascertaining the Gauge and Tare of Tobacco Hogsheads; and to prevent cutting cropping, and defacing Tobacco, taken on Board Ships or Vessels upon ffreight; was read the first and second time by an Especial Order, and will pass; and was sent to the Upper House by Col. Dashiell and Capt. Bond.

An Ingross'd Bill entituled, An Act for Trial of all matters of ffact &c. was Read and Assented to; and sent to the Upper House with the paper Bill, by M^r John Gresham, and Major Barnes.

The following Address, viz.

To his Excellency Samuel Ogle Esq^r Governor of Maryland.

The Humble Address of the House of Delegates of the said Province.

May it please your Excellency.

There being a Ballance of the sum of 187^l..13^s..6^d Sterling, due to the public of this province, from Robert Ungle Esq^r late Treasurer of the Eastern shore; and also a Ballance due from Philip Lee Esq^r late Naval Officer of North Potomack District. This House did in the year 1746 request his Excellency Thomas Bladen Esq^r the then Governor, that the said Ungle's Bond might be put in Suit against the Sureties of the said Ungle, their Executors or administrators, in such manner as that the said Money might be Recovered for the use of this province, and likewise that his then Excellency would Order the Attorney General to sue his the said Lee's Bond, pass'd for discharge of his Duty in the Office aforesaid, whereby the public might have such Ballance duly paid

But forasmuch as it doth not appear to this House, that any thing hath been done in Consequence of that Address, we Request
 p. 731 that your Excellency will give Directions to the Attorney General, that proper process may Issue as well against the Sureties of the said Ungle, their Executors or Administrators, as against the sureties of the said Lee, to the end that the several Sums of money due and owing on the said Bonds may be Recovered for the use of the Public of this Province.

Was brought in Ingrossed, and was Read and Assented to, and Signed by Order of the House by the Honourable Speaker.

M^r Harrison, and M^r Harris, were sent to acquaint the Governor, this House hath prepared an Address to him, and desires to know when and where he will please to Receive it. They return and ac-

quaint M^r Speaker, the Governor Signified to them, he was Ready to Receive the Address immediately in the Conference Chamber. M^r Sheredine and M^r Dulany, sent to present the Address. L. H. J.
Liber No. 34

Major Sheredine, from the Committee appointed to Inspect the Office and Proceedings of the Commissioners for Emitting Bills of Credit &c. delivers M^r Speaker the following Report. (See page 492)

The House proceeded to tax the following Bills, viz.

P. 733

The Bill entituled, An Act to Remedy some Defects in an Indenture of Bargain and Sale, made and Executed by Michael Curtis, and Sarah his wife, late of St. Mary's County Deceased, to Charles Carroll Esq^r &c.

To the Honourable Speaker £8..0..0

To the Clerk 4..0..0

The Bill entituled, An Act enabling and Requiring the Clerk of Baltimore County Court, to Record a Deed of Bargain and Sale from Morgan Murray, to Mary Stevenson, and the making Valid the same.

To the Speaker £2..0..0

To the Clerk 1..0..0

The Bill entituled, An Act to cut off the Entail of 200 Acres of Land, part of a Tract of Land Called St Patrick's Hill, lying in Charles County and to invest Thomas Hussey Luckett with an Estate in ffee Simple in the said Land &c.

To the Speaker 2..0..0

To the Clerk 1..0..0

The Bill entituled, An Act to enable Onorio Razolini to Convey in Right of Elizabeth Calvert an Infant, to George Plater Esq^r certain Lands therein mentioned.

To the Speaker 6..0..0

To the Clerk 3..0..0

Col. Tasker from the Upper House, delivers M^r Speaker the Bill, entituled an Act for Raising a Duty of Three half pence &c Indors'd " By the Upper House of Assembly, July 11th 1747 Read the first and second time by an especial order and will pass

Signed per Order. J Ross Ct. Up. Ho.

Which Bill was here Read, and passed for Ingrossing

Daniel Dulany Esq^r from the Upper House, delivers M^r Speaker the following Message, (See page 497)

And the Bill entituled, An Act to Divide Prince George's County &c. The House on Consideration of the proviso proposed by the Upper House, to the said Bill, would not concur: Ordered, the said Bill be laid aside

Col Lloyd, from the Upper House delivers M^r Speaker the Bill, entituled An Act for continuing An Act of Assembly, ascertaining the Gauge and Tare of Tobacco Hogsheads &c Indors'd By the

L. H. J. Upper House of Assembly July 11th 1747. Read the first and
 Liber No. 34 second time by especial Order, and will pass.

Signed per Order J Ross Cl. Up. Ho.

Which Bill was Read here, and passed for Ingrossing.

Samuel Chamberlaine Esq^r from the Upper House, delivers M^r Speaker the Bill, entituled An Act to prevent the Sale of any of the parishes within this province.

p. 734 And the Bill, entituled An Act for Issuing Writs of Replevin out of the County Courts of this province; Severally Indorsed. "By the Upper House of Assembly, July 11th 1747. Read the second time and will not pass."

Col. Hammond from the Upper House, delivers M^r Speaker the Bill entituled, An Act for publication of the Laws &c. Indors'd "By the Upper House of Assembly July 11. 1747. Read the first and second time by an especial order and will pass

Signed per Order, J Ross Cl Up. Ho.

Which Bill was here Read and passed for Ingrossing

An Ingross'd Bill, entituled an Act ascertaining the Gauge and Tare of Tobacco Hogsheads &c. And an Ingross'd Bill entituled An Act for raising Three Half pence &c. Severally Read and Assented to, and sent to the Upper House with the paper Bills by Cap^t Ennalls and Cap^t Bond

Edmund Jennings Esq^r from the Upper House, delivers M^r Speaker the following Message (See page 498)

And Journal of Accounts

The House adjourns 'til 2 of the Clock

Post Meridiem

The House met according to Adjournment &c.

On Consideration of the Message of this Day, by Edmund Jenings Esq^r the House doth not agree to the allowances therein mentioned to be made.

Therenpon the Question was put, Whether the following Message, (See page 499)

Shall be sent to the Upper House, with the Journal of Accounts, or not Resolved in the Affirmative.

For the Affirmative

M ^r Key	M ^r Harrison	M ^r Ennalls
Barnes	Wilkinson	George
Bond	King	Bayard
Mills	Dashiel	Gordon
I. Gresham	Handy	Dulany
R. Gresham	R. I. Henry	Scarborough
Harris	Thomas	
Smallwood	Hooper	

For the Negative

L. H. J.
Liber No. 34

M ^r Henry Hall	M ^r Hyland	M ^r Stoddert
Carroll	Sheredine	Addison
Worthington	Paca	Tilghman
Smith	John Hall	Hopper
Lloyd	Wootton	I. Henry

The last mentioned Message was sent to the Upper House, by Col. King and Col. Dashiel, with the Journal of Accounts.

An Ingross'd Bill entitled An Act for Publication of the Laws &c. was Read and Assented to, and sent to the Upper House with the Paper Bill, by M^r Harris and M^r Wilkinson.

George Plater Esq^r from the Upper House, delivers M^r Speaker the following Message. (See page 499)

And Journal of Accounts.

p. 735

On Reading the said Message the Question was put, Whether the Quantum of the fees to the Secretary, Chancellor, and proposed to be allowed by the foregoing Message, shall be allowed to be made in the Journal of Accounts or not? The House being Divided on the Question, the same was determined by the Honourable Speaker, in the Affirmative.

For the Affirmative

M ^r Key	M ^r King	M ^r George
Barnes	Dashiel	Bayard
Mills	Handy	Gordon
J. Gresham	R. I. Henry	Dulany
R. Gresham	Thomas	Scarborough
Harris	Hooper	
Harrison	Ennalls	

For the Negative

M ^r Bond	M ^r Wilkinson	M ^r Stoddert
Willson	Lloyd	Addison
Henry Hall	Hyland	Tilghman
Carroll	Sheredine	Hopper
Worthington	Paca	I. Henry
Smith	John Hall	
Smallwood	Wootton	

Col. Lloyd from the Upper House, delivers to M^r Speaker all the paper Bills; the Ingrossed Bills of which were Severally Read and Assented to by both Houses. The following message (See page 500) Was sent by Col. Hooper, and Col. Dashiel

L. H. J. Samuel Chamberlaine Esq^r from the Upper House, delivers to
 Liber No. 34 M^r Speaker the Journal of Accounts, indors'd " July 11. 1747:
 Read and assented to by the Upper House of Assembly

Signed per Order. J Ross Ct. Up Ho.

Sent by M^r Lloyd, and M^r Richard Gresham

Daniel Dulany Esq^r from the Upper House, delivers to M^r Speaker
 the following Message, (See page 500)

The following Message, (See page 500)

Was sent to the Upper House by the Gentlemen of the Committee
 of Accounts.

The Governor communicates to M^r Speaker the following answer.
 Gentlemen of the Lower House of Assembly.

In Answer to your Address of this Day, I will give directions to
 the Attorney General to put the Bonds you mention, in Suit, as you
 desire Sam. Ogle

Col Tasker from the Upper House, delivers to M^r Speaker the
 following Message, (See page 500)

p. 736 A Bill, entituled An Act for the Assessment and payment of the
 Public Charge of this Province; was Read the first and second time
 by an especial order, and will pass; and was sent to the Upper House
 by Major Sheredine and Col. Henry.

Col. Hammond from the Upper House, delivers to M^r Speaker
 the Bill, entituled An Act for the Assessment and payment of the
 Public Charge of this province, Indors'd. By the Upper House of
 Assembly, July 11. 1747. Read the first and second time by an
 especial order and will pass.

Signed per Order J Ross Ct. Up. Ho.

Which Bill was Read here, and passed for Ingrossing

Col. Hooper, from the Committee of Laws, delivers to M^r Speaker
 an Ingrossed Bill, entituled An Act for Assessment and payment
 of the Public Charge of this Province; which was Read and Assented
 to, and sent to the Upper House, with the paper Bill, by M^r Richard
 Gresham, and Capt. Handy

Samuel Chamberlaine Esq^r from the Upper House, delivers to
 M^r Speaker the Paper Bill, entituled an Act for the Assessment and
 payment of the Public Charge of this Province, Indors'd, By the
 Upper House of Assembly, July 11. 1747; the Ingrossed Bill whereof
 this is the original, is Read and Assented to.

Signed p Order, J Ross Ct Up Ho.

M^r Lloyd and M^r Dulany, were sent to acquaint his Excellency
 the Governor, that no public business is now before this House to
 transact.

Edmund Jenings Esq^r and Col. Tasker, from the Upper House,
 Acquaint M^r Speaker, that the Governor requires the Attendance of
 the Lower House in the Upper House

Mr Speaker left the Chair, and attended by the members of the L. H. J.
Lower House, went to the Upper House; where he presented to his Liber No. 34
Excellency the Governor, the following Ingrossed Bills. (See page
501)

All which his Excellency the Governor passed into Laws, by p. 737
Sealing them with the R^t Hon. the Lord Proprietary his Great Seal
at Arms and Indorsing them Severally thus: On behalf of the
R^t Hon. the Lord Proprietary of this province, I will this be a Law.
Sam. Ogle

His Excellency made the following Speech, (See page 504)

So endeth this Session of Assembly, this Eleventh Day of July,
in the Thirty Third year of the Dominion of the Right Honourable
Charles Absolute Lord and Proprietary of the Province of Mary-
land and Avalon Lord Baron of Baltimore &c. And in the year of
Our Lord 1747. Test. M Macnemara Ct. Lo. Ho.

ACTS.

SessionLaws An Act for Tryal of all Matters of Fact in the several Counties
Chapter II where they have arisen or shall arise.
p. 3

Preamble Whereas the Trial of Facts in the Neighbourhood where they arise, is the greatest Security of the Lives, Liberties, Fortunes and Estates of the Subjects, most agreeable to the British Constitution, and a very great ease to all Persons concerned, and that the increase of Business in the Provincial Court renders the Decision of Causes there, without very great delay and expence, impracticable.

Two Justices of Assize to be Appointed for each Shore Be it therefore Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Two Justices of the Provincial Court, on each side of the Bay, (such as the Governor, or Commandet in Chief for the Time being, shall think fit to appoint) shall be Justices of Assize, Nisi prius, and Justices of Oyer and Terminer and Goal Delivery; and that the said Two Justices, or either of them (in case of Sickness or other inability) shall and may at the respective Times in this Act mentioned, Hear and Try all Matters of Fact in all Actions Real, Personal, and Mixt, and all Actions Popular for the breach of any Law, that is now depending, or that shall be commenced in the Provincial Court, in the several Counties where the Facts have arisen or shall arise, and not elsewhere; except in any special Causes, where it shall appear that Justice cannot in all Probability be so equally administred to the Parties, as if Tryal should be appointed in some other Place; as fully and amply as any Justices of Assize and Nisi prius in England used, or by Law ought or may try, hear, and determine: And that all Treasons, Murthers, Felonies, and other Crimes, Offences, and Misdemeanours, of what Nature or Quality soever, that have been, or by Law might be, tried in the Provincial Court, shall be heard, tried, and determined by the said Justices, in the several Counties where they shall be committed, as fully and amply as the said Offences, or any of them, might have been tried, heard, and determined by the Provincial Court, or any Court of Oyer and Terminer, and Goal-Delivery, according to the

Their Duty, &c. Laws of England and this Province. Provided always, That nothing in this Act shall be construed to divest the County-Courts of any Jurisdiction they have, and that they may hear and determine all Matters and Things within their Cognizance as they have heretofore done; any Thing in this Act to the contrary notwithstanding.

Proviso

And be it Enacted, that two of the Provincial Justices to be appointed as aforesaid, on the Western Shore, or one of them, in case of the other's Sickness or Inability, shall meet and hold their Courts, at Baltimore County Court-House, the Monday before the first Tuesday in April and September, yearly; at Annapolis, for Anne Arundel County, the Friday after the said first Tuesdays; at Calvert County Court-House, the Friday after the second Tuesdays of the said Months; at St. Mary's County Court-House, the Wednesdays after the third Tuesdays in the said Months; at Charles County Court-House, the Mondays after the said third Tuesdays in the said Months; and at Prince George's County Court-House, the Mondays following: And that two of the Provincial Justices on the Eastern Shore, to be appointed as aforesaid, or one of them in case the other should be sick or incapable to attend, shall meet and hold their Courts, at Worcester County Court-House, on the Thursdays before the first Tuesdays in the Months of April and September, yearly; at Somerset County Court-House, the first Tuesdays of the said Months, yearly; at Dorchester County Court-House, the first Mondays after; at Talbot County Court-House, the Thursdays after the second Tuesdays; at Queen Anne's County Court-House, the Wednesdays after the third Tuesdays; at Kent County Court-House, the Mondays after the third Tuesdays in the same Months; and at Cæcil County Court-House, the Fridays following; to hear, determine, and dispatch such Business as shall be before them.

And be it further Enacted, That in all Actions now depending in the Provincial Court, where the General Issue, or other General Plea, tending to an Issue on the Country, is pleaded, the Issue shall be made up and compleated by the tenth Day of August next; and that all Declarations in Actions, to be commenced in the Provincial Court, shall be filed with the Clerk within thirty Days after every Appearance Court; and the Issue made up, where the general Issue, or other general Plea tending to an Issue on the Country, shall be pleaded, shall be made up within thirty Days after the filing the Declaration. But where special Pleadings are necessary, the Court, upon Motion, may grant such Time as may be thought reasonable; and that the Plaintiff, in every Cause to be tried before the said Justices, shall give the Defendant or his Attorney Notice fourteen Days before the first Tuesdays in September and April, yearly, of his Intention to insist on a Tryal; and that if, after such Notice given, the Causes shall be delayed until another Assizes, the Party causing such Delay shall pay all the Cost and Charge that shall be occasioned thereby.

And be it Enacted, That the several Sheriffs shall summons fifty of the most capable and substantial Freeholders within their Bailiwicks, ten Days before the Assizes shall begin in the respective Counties, as Grand and Petit Jurors; and that every Freeholder that shall

Session Laws
Places and
Days, at and
on which
the said
Courts of
Assize are
to be held

p. 4
Of Actions,
&c. now de-
pending in
the Provin-
cial Court;
and of the
Time limited
for filing
Declarations

Sheriffs to
summon
Juries

SessionLaws be so summoned, and shall neglect or refuse to appear, shall incur the same Penalties and Forfeitures as Jurors summoned to the Provincial Court are liable to, rating Tobacco at ten Shillings per Hundred; and that no Person that is not incapable or disqualified by Law to serve as a Juror, shall have any Exemption, except Counsellors, Delegates, Provincial Justices, Clergymen, and practising Physicians or Chyrurgeons: Nor shall Grand Jurors be exempt from serving as Petit Jurors in Civil Cases, at the same Assizes of Oyer and Terminer and Goal-Delivery they are returned to serve in: Allowance And that every Grand Jury shall have an Allowance not exceeding to Jurors five hundred Pounds of Tobacco, for every Assize; and every Petit Juror twenty Pounds of Tobacco for every Day's Attendance; to be assessed in the County Levy as usual, besides the full Fees for Verdicts in Civil Cases.

Grand Jur- And, to prevent Partiality by Grand Jurors, Be it Enacted, That
ors to be of the Clerk, or such Person as shall be appointed as aforesaid, all
Chosen by of the Clerk, or such Person as shall be appointed as aforesaid, all
Ballot: As rolled up as near as may be in the same Manner, and put into a
also Glass or Box to be provided for that Purpose; and that the said
Justices in open Court shall direct to be drawn, by some indifferent
Person, out of the said Glass or Box, a sufficient Number for a
Grand Jury; and that such Persons as shall be drawn, and then ap-
pear, shall be Grand Jurymen, and none others. Provided, That in
case any the County Magistrates, or their Clerk, should be drawn,
they shall not be of the Grand Jury; but that others shall be drawn
in the place of any Magistrate or County Clerk that should happen
to be drawn.

Petit Jurors And, to prevent Partiality in Tryals by Jurors, Be it Enacted, That
the Name of each and every Person, who shall be summoned and
impannelled as a Petit Juror, shall be written in several distinct
Pieces of Paper, being as near as may be of equal Size, and Bigness,
and shall be delivered to the Clerk of Assize, or such other Person
as the said Justices shall appoint, and by the care of the Clerk, or
such Person as shall be appointed as aforesaid, be all rolled up as
near as may be in the same manner, and put into a Glass or Box to
be provided for that Purpose; and when any Cause shall be brought
to be tried, some indifferent Person, by Direction of the Court, may
and shall in open Court draw out twelve of the said Papers one
after another; and if any of the Persons whose Names shall be so
drawn shall not appear, or be challenged and set aside, then such
further Number, until the twelve Persons shall be drawn who shall
appear, and after all causes of Challenge, shall be allowed as fair
and indifferent; and the said twelve Persons so first drawn and ap-

pearing, and approved as indifferent, their Names being marked in the Pannel, and they being sworn, shall be the Jury to try the same Cause: And the Names of the Persons so named and drawn, and sworn, shall be kept in some other Box or Glass to be kept for that Purpose, 'til such Jury shall have given in their Verdict, and the same is recorded; or until such Jury shall, by Consent of Parties, or Leave of the Court, be discharged; and then their Names shall be rolled up again, and returned to their former Box or Glass, there to be kept, with the other Names remaining at that Time undrawn; and so as often and as long as any Cause shall remain then to be tried. Provided always, That if any Cause shall be brought to Tryal, before the Jury in any other Cause shall have brought in their Verdict, or be discharged, it shall and may be lawful for the Court to order twelve of the Residue of the said Papers not containing the Names of any of the Jurors who shall not have brought in their Verdict, or be discharged, to be drawn in such Manner as is aforesaid, for the Tryal of the Cause which shall be so brought on to be tried.

Session Laws

p. 5

Proviso

And to the End that the Sheriffs may be obliged to discharge their Duty, in returning the best and most capable Freeholders to be Jurymen, Be it Enacted, That every Sheriff, who shall neglect to return the best and most capable Freeholders for Grand and Petit Jurymen, except as before excepted, shall for every such Neglect be fined by the Justices of Assize at their Discretion, not exceeding twenty-five Pounds current Money of Maryland, to be applied to defray the County Charge.

Sheriffs
Duty in
Summoning
Jurymen

And be it Enacted, That each Justice of Assize shall be allowed by the Public seven thousand Pounds of Tobacco, to be paid in the Counties respectively where they reside, for every Circuit, and no more.

Allowance
to Justices
of Assize

And be it Enacted, That it shall and may be lawful for the said Justices to make all such Rules and Orders, as may be convenient and necessary for the Furtherance of Justice and Right, and to impose reasonable Fines, Forfeitures, and Penalties, upon such as shall transgress them. Provided always, That such Rules shall be agreeable to the Laws of England and this Province; and that all Sheriffs, Bailiffs, and other Officers and Persons whatsoever, shall yield due Obedience to all Process, Warrants, and Precepts, that shall be issued by, or returnable to the said Justices.

Who may
make Rules
and Orders

Proviso

And be it Enacted by the Authority, Advice, and Consent aforesaid, That the Justices of Assize, Nisi prius, and Gaol-Delivery, shall, in all civil Cases to be tried before them, where any Person concerned shall desire the same, allow and direct special Verdicts to be found.

And allow
special
Verdicts

And be it further Enacted by the Authority, Advice, and Consent aforesaid, That the said Justices shall, in all criminal Cases to be tried before them, where any Person or Persons accused or prose-

Session Laws
Bills of Ex-
ception to be
allowed

cuted shall desire the same, sign and allow Bills of Exception; and that in all Cases where Bills of Exception are allowed, that no Judgment shall be rendered until the next Provincial Court, to the Consideration of which Court it is to be referred; any Law, Usage, or Custom, to the contrary notwithstanding.

General
Verdicts, not
determined
in the Assize
Courts, to be
referred to
the Pro-
vincial

And be it further Enacted, That where any general Verdict shall be found in any criminal Case against any Person before the said Justices, wherein the Judgment is not certainly known, and settled by Law, or wherein the said Justices, or either of them, shall be in any Doubt, or under any Difficulty, what Judgment to give upon such Verdict; that then and in such Case no Judgment shall be given, but that the Judgment be referred to be given on such Verdict to the Consideration of the Provincial Court, who shall and may give Judgment.

Petty
Offences to
be tried in
County
Courts

And to the End that the Justices of Assize, Nisi prius, Oyer and Terminer, and Goal-Delivery, may not be hindred from proceeding in the Decision of Matters not determinable elsewhere (which the Time allowed by Law for their Session is hardly sufficient to dispatch), in hearing petty Offences, tryable in the County Courts, Be it Enacted, That all Felonies, Trespasses, and other evil Deeds, tryable in the County Courts by the Laws now in being, shall be tried, heard, and determined by the County Courts, and not elsewhere; except Affrays, and other Offences to be committed in the View of the Justices of Oyer and Terminer, or during their Sitting.

Of Provin-
cial Juries
p. 6

Provided always, and be it Enacted by the Authority aforesaid, That it shall and may be lawful for the Justices of the Provincial Court, for the expediting the Causes to be tryed before them, to order the Sheriff of Anne Arundel County immediately to summon a compleat and sufficient Number of good and lawful Men, de Circumstantibus, and not less than twenty-four in Number, to serve as Jurors, and return a Pannel of them for the Tryal of any Issue so to be had and tried before the said Justices of the Provincial Court; and that they shall be ballotted in the same Manner that Petit Jurors are before by this Act directed to be at the Assizes, and that the first twelve Jurors that shall be drawn shall be the Jury to try the Cause; unless some legal Exception by either Plaintiff or Defendant be made against any of the said twelve Jurors, in which Case others in their Room shall be in like Manner drawn, in the Stead of those to whom legal Exception shall be made. Provided That where any Presentment shall be found by the Grand Jury, at any Court of Oyer and Terminer, for a Matter tryable by the County Court, and that shall by the Justices of Oyer and Terminer be referred to the County Courts for Tryal, the Party presented shall not be obliged to pay any Fees or Charges, except what shall arise in the Prosecution in the County Court; any Law, Usage or Custom, to the contrary notwithstanding. Saving to all Persons accused before the Justices of

the County Courts, the Benefit of Writs of Removal and Tryals in the Provincial Courts, or before the Justices of Oyer and Terminer and Goal-Delivery. Session Laws

And whereas, by an Act for the Advancement of Justice, it is Provided and Enacted, That in all Actions to be commenced in the Provincial Court, for the Recovery of any certain Sum of Money or Tobacco, within the Jurisdiction of that Court, wherein the Plaintiff should be desirous of a speedy Tryal, that if the Plaintiff should find a Copy of the Declaration in the Case with the Writ, and cause the same to be served on, or delivered to the Defendant, or left at his or her last Place of Abode, twenty Days at the least before the Appearance Court, it should be lawful for the Justices of the said Court, and they are by that Act required to proceed to Tryal the same Court; and if the Defendant should refuse or neglect to answer or plead, to render Judgment for the Plaintiff, with Cost of Suit, unless sufficient Cause should be shewn by the Defendant why there should be an Imparlance: And that as Jurors are not summoned to the Provincial Courts, but the Facts tried in the several Counties where they have arisen or shall arise, so that when the Defendant pleads any Matter of Fact tryable by a Jury, the Issue cannot be tried at the Appearance Court,

Be it therefore Enacted and Declared, That where Copies of Declarations are served, or left, according to the Directions of the said Act, and no sufficient Cause shewn for an Imparlance; and that the Defendant should plead a Matter of Fact, which is required to be done at the Appearance Court, that then and in such case the Fact shall be tried at the first Assizes that shall happen after the Appearance Court, in the County where the Fact hath arisen or shall arise; any Law, Usage, or Custom, to the contrary notwithstanding. Of Declarations served, &c.

And whereas, Justice may be delayed, or People lose their Rights for Want of the Testimony of Witnesses, who may happen to be so sick or impotent as to be unable personally to attend at the Tryal of Causes, to give their Evidence viva voce, without apparent Hazard of their Lives or Health: Be it therefore Enacted by the Authority, Advice, and Consent aforesaid, That where any Witness shall be summoned by any Plaintiff or Defendant, and shall be really so impotent, sick, or infirm, that he or she shall not be able to attend according to such Summons, without the apparent Hazard of the Life or Health of such Witness (to be made appear to the Satisfaction of the Court), that then and in every such case the Party summoning such Witness may have the Affidavit on Oath, or Affirmation if the Witness be a Quaker, of such sick or impotent Witness, taken before any Magistrate not being of Kin to the Parties; and that any Affidavit so taken (the adverse Party always having timely Notice, and Opportunity to cross-examine such Witness) shall be received as Evidence on the Tryal of the Cause wherein such Witness shall Of Witnesses sick or unable to attend

SessionLaws be summoned, as if the Witness was present, and should deliver his or their Testimony viva voce; any Law, Custom, or Usage, to the contrary notwithstanding. Provided always, That if any such Witness shall wilfully and corruptly swear or affirm falsely, that then and in every such case he or she shall be liable to the same Prosecution, Penalty and Forfeiture, as Persons guilty of, or committing corrupt and wilful Perjury, are liable to.

p. 7
Times for
holding the
Provincial
Courts, &c.

And be it Enacted, That the next Provincial Court shall begin the third Tuesday of October next after the End of this Session of Assembly, and not before; and that all Actions now depending in that Court, of what Nature soever, shall be, and are by this Act continued until the said third Tuesday of October; and that all Writs, Process, and Precepts already issued, or to be issued, out of the Provincial Court, shall be returnable to the said third Tuesday in October; and that all Sheriffs, Coroners, and other Officers, that have arrested, or shall arrest any Person or Persons by Virtue of any Writ, Precept, or Process, returnable to the said second Tuesday of September next, shall be under the same Obligation to have the Party arrested at Annapolis the said third Tuesday of October: And that all Bail-Bonds taken, or that shall be taken for the Appearance of any Person or Persons at the Provincial Court, to be held the second Tuesday of September next, shall be discharged by Appearance of the Party or Parties, the third Tuesday of October next, and forfeited and assignable for the Non-Appearance of the Party or Parties then, as if such Writ, Process, and Precepts, were then returnable.

To be held
at Annapolis

And be it further Enacted, That the Provincial Courts shall be held, during the Continuance of this Act, on the third Tuesdays in October and May, yearly, at the City of Annapolis.

Part of an
Act Repealed

And be it Enacted by the Authority, Advice, and Consent aforesaid, That that Part of an Act of Assembly entituled, An Act causing Grand and Petit Jurors to come to the Provincial and County Courts, and ascertaining their Allowances, made at a Session of Assembly begun and held at the City of Annapolis the twenty sixth Day of April, Anno Domini seventeen hundred and fifteen, which relates to summoning Grand and Petit Jurors to attend at the Provincial Courts, be, and is hereby repealed and made void.

Persons
Committed
since the
last Provin-
cial Court,
to be tried
at the
Assizes

And whereas, since last Provincial Court, sundry Persons have been committed for Crimes and Misdemeanours by them done, and Witnesses have been bound over to testify against such Persons at next Provincial Court: Be it therefore Enacted, That all such Commitments and Recognizances, returnable before the said Provincial Court, shall be obliged to be returned by the respective Magistrates taking such Recognizances before the Judges of Assize, in the respective Counties where the Offences have been committed, and the Offenders and Witnesses be obliged to appear by Virtue of said Recognizances accordingly.

And be it further Enacted by the Authority, Advice, and Consent
aforesaid, That the Secretary for the Time being shall cause every
Record, that shall be ordered by any Attorney of the Provincial
Court, to be made out for any Tryal of any Issues at the Assizes, to
be transmitted to the Clerk of Assize of the Circuit where the Issue
is to be tried (who is by this Act obliged to receive and carry the
same to the Circuit), before the Assizes for that Shore where the
Issue is to be tried begins, under the Penalty of paying unto the
Party that suffers for want of the Record being transmitted, such
Costs and Damages as shall be by the Justices of his Lordship's
Provincial Court judicially sitting ordered and adjudged; which
said Justices are hereby, upon Complaint made to them, required
after a summary Manner to proceed to Judgment thereon. Pro-
vided always, That the Secretary shall not be obliged to answer any
Damages or Cost to any Person by Virtue of this Act, unless Orders
in Writing for transmitting the Record as aforesaid be left with the
Clerk of the Provincial Court, at least thirty Days before the Be-
ginning of the Assizes, on the Shore where the Issue is to be tried.
Provided, That all Causes, wherein Issue in Fact was joined, and
which could not be tried at the last Provincial Court, and which were
therefore appointed to be tried at an Adjournment of the said Court,
before the said next Court in course, shall be tried at the next Assizes,
and the Postas, and all other Postas, returned to the next Provin-
cial Court, and Judgment rendered thereon; and that all other
Causes to be tried at the said Adjournment, shall be complied with
the first Week of the next Provincial Court: And also, that where
any Cause or Causes, wherein by the course of the Court any Issue
or Issues ought to be joined and tried the next Provincial Court,
that all such Causes shall and may be continued 'til May Court,
seventeen hundred and forty-eight; and that the said Causes shall
and may be tried at April Assizes, in the Year last mentioned. Pro-
vided always, That the several Allowances and Penalties herein
before-mentioned, to be made to the Judges and Jurors in Tobacco,
shall and may be paid by the Inhabitants of this Province in current
Money, at the Rate of ten Shillings per Hundred, in the same Man-
ner as other Public and County Levies and Charges are payable.

Session Laws
Records
ordered by
Attorneys
in the Pro-
vincial
Court to be
transmitted
to the Clerk
of Assize

p. 8

This Act to continue until the first Day of November, which shall
be in the Year one thousand seven hundred forty and nine, and no
longer.

Continuance
of this Act

An Act for amending the Staple of Tobacco, for preventing Frauds
in his Majesty's Customs, and for the Limitation of Officers
Fees. Chapter I

Whereas the Laws heretofore made, have been found ineffectual
to prevent the Exportation of Bad, and Trash Tobacco, and the

Preamble

SessionLaws many Frauds in deceiving his Majesty's Customs, which have greatly increased, to the very great decay of the Trade of this Province.

For prevention whereof,

No Tobacco to be exported, 'til first brought to a public Warehouse Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That, for the more effectual preventing the Exportation of Trash, bad, unsound, and unmerchantable Tobacco, all Tobacco, which shall be made after the first Day of December next, and which shall be exported out of this Province from and after the first Day of December in the Year of our Lord one thousand seven hundred and forty-eight, shall be first brought to some, or one of the public Warehouses herein after-mentioned; and shall be there viewed and inspected, in Manner as herein after is expressed.

Masters of Ships, &c. not to take on board any uninspected Tobacco And be it further Enacted by the Authority aforesaid, That no Person shall put on board, or receive into, any Ship, Sloop, Boat, or other Vessel, in order to be exported therein, any such Tobacco not packed in Hogsheads, Casks, or Cases, upon any Pretence whatsoever; nor in any Hogshead, Cask, or Case, to be in that, or any other Ship, Sloop, or Vessel, exported out of this Province, before the same shall have been viewed and inspected, according to the Directions of this Act: But that all such Tobacco, to be received or taken on board any Ship, Sloop, or other Vessel, and to be therein exported; or to be carried or put on board any other Ship, Sloop, or Vessel, for Exportation, as aforesaid; shall be received or taken on board at the several Warehouses for that Purpose herein after mentioned, or some, or one of them, and at no other Place or Places whatsoever. And every Master, Mate, or Boatswain, which shall arrive in this Province, in order to lade Tobacco that is to be made and subjected to the Directions of this Act, and during the Continuance thereof, shall, before the said Ship or Vessel be permitted to take on board any such Tobacco, make Oath, or Affirmation if a Quaker, before the Naval Officer of the District wherein such Ship or Vessel shall arrive (which Oath the said Naval Officer is hereby impowered and required to administer), "That they will not permit "any such Tobacco to be taken on board their respective Ships or "Vessels, except the same be packed in Hogsheads, Casks, or Cases, "stamped by some Inspector, legally thereunto appointed:" Which Oath they shall subscribe in a Book, to be kept by the Naval Officer for that Purpose. And if any such Master shall cause any Person, who is not really, and bona fide, Mate or Boatswain of the Ship or Vessel, to come on Shore and take such Oath, he shall, for the said Offence, forfeit and pay thirty Pounds current Money. And if any Master or Commander of any Ship or Vessel shall take on board, or suffer to be taken on board the Ship or Vessel whereof he is Master, any Tobacco brought from any other Place, than some, or one of the

Oath to be administered to Masters and Mates of Vessels

public Warehouses herein after mentioned; or any Hogshead, Cask, Session Laws or Case of Tobacco, not stamped by some lawful Inspector; or shall suffer to be brought on board any Tobacco, except in Hogsheads, Casks, or Cases, stamped as aforesaid; every such Master and Commander shall forfeit and pay thirty Pounds current Money for every Hogshead, Cask, or Case of Tobacco, which shall not have been p. 9 brought from one of the said public Warehouses, or which shall not be stamped as aforesaid; except as by this Act is excepted: And moreover, every such Hogshead, Cask, or Case of Tobacco shall be forfeited.

And forasmuch as the permitting Tobacco in Bulk or Parcels to be water-born, on Pretence of being carried to the Warehouses established by this Act, may give great Opportunity to the clandestine running the same on board the Ships lying at or near the said Warehouses; whereby the Evil of exporting Trash Tobacco may be still continued: Be it further Enacted by the Authority aforesaid, That if any Person, taking upon himself to carry any Tobacco to or from any of the said Warehouses, in his Sloop, Boat, or other Vessel, for Hire, shall presume to take on board, or permit or suffer to be taken on board, any Tobacco whatsoever, in Bulk or Parcels, such Tobacco shall not only be forfeited, and may be seized by any Person or Persons whatsoever, but such Master or Skipper offending herein shall forfeit and pay thirty Shillings for every hundred Pounds Weight of such Tobacco; and so proportionably for a greater or lesser Quantity. And the Master or Commander of any Ship or Vessel, wherein any Tobacco in Bulk or Parcels shall be found, shall, over and above the Forfeiture thereof, be subject and liable to the same Penalty; to be recovered, if it doth not exceed seven Pounds ten Shillings current Money, before any three Justices of the Peace of any County, near the Place where such Ship, Sloop, Boat, or other Vessel, shall lie: And if it exceeds seven Pounds ten Shillings, in any Court of Record, by Action of Debt, wherein the Plaintiff shall recover Costs. And every Servant, Slave, or other Person, employed in navigating any such Sloop, Boat, or other Vessel, who shall connive at, or conceal the taking or receiving on board any Tobacco, in Bulk or Parcel, as aforesaid, shall, by order of any one Justice, receive on his bare Back thirty-nine Lashes, well laid on. And if such Sloop, Boat, or other Vessel, be under the Care and Management of a Servant, who cannot satisfy and pay the said Penalty; then such Servant, and every other Person employed under him, who shall be guilty of conniving at, or concealing the taking on board Tobacco, in Bulk or Parcel, as aforesaid, shall, upon Complaint thereof made to any Justice of the Peace, have and receive, by Order of the said Justice, thirty-nine Lashes, well laid on. And if such Servant shall be again trusted with the Care and Management of any Sloop, Boat, or other Vessel, and shall be convicted a second Time, of taking or receiving on board the same any Tobacco, in

No Tobacco
to be taken
on board
any Vessel
in Bulk or
Parcels

Punishment
of Persons
conniving at
the taking
on board
such
Tobacco

Session Laws Bulk or Parcel, contrary to the Directions of this Act, the Owner of such Servant shall forfeit and pay the like Sum of thirty Shillings, for every hundred Pounds Weight of such Tobacco, and so in proportion for a greater or less Quantity, so taken or received on board, in Bulk or Parcel; and shall also forfeit and pay seven Shillings and sixpence for every Day such Servant shall thereafter be employed as Skipper, or Master, of any Sloop, Boat, or other Vessel, to him belonging; to be recovered and applied as aforesaid.

Proviso Provided always, That nothing herein before contained shall be construed to prohibit any Person from carrying, or causing to be carried to the said Warehouses, in any Boat, or other Vessel, any Tobacco in Bulk or Parcels, for the Payment of his or her Levies, Debts, or other Duties; nor to prohibit any Person to put or take on board any Sloop, Boat, or other Vessel, any Hogsheads, Casks, or Cases of Tobacco to be Water-born to any Warehouse or Warehouses appointed by this Act, so as the same be not carried out of the Naval Officer's District, wherein the said Tobacco shall be made; nor to prohibit the Owner of any Tobacco to transport his Crops, or any Part thereof, in Hogsheads, Casks, or Cases, from one Place to another, for the better handling and managing thereof; nor any Purchaser of Tobacco, from bringing the same by Water, to be repacked, sorted, stemmed, or prized, before the same be carried to the said Warehouses, so as such last mentioned Tobacco be packed in Hogsheads, Casks, or Cases.

p. 10 And be it further Enacted, That if the Skipper of any Sloop, Boat, or other Vessel, or other Person or Persons, to whom the Care and Management thereof shall be intrusted, shall land or put on Shore any Hogshead, Cask, or Case of Tobacco, put on board the same, to be carried to any public Warehouse, at any other Place or Places than the Warehouse or Warehouses by this Act appointed for the Reception and Inspection of Tobacco, or at some, or one of them, or the Wharffs or other Landing to such Warehouse or Warehouses belonging; or shall put the same on board any other Vessel, or suffer the same to be done, so as the same be not delivered at some of the said public Warehouses without Fraud or Imbezzlement; or shall open any Hogshead, Cask, or Case of Tobacco, so as aforesaid water-born and landed, and take thereout any Tobacco, before the same be viewed by the said Inspectors, according to the Directions of this Act; or after the same has been viewed, shall fraudulently open any Hogshead, Cask, or Case, and take thereout any Tobacco; every such Offence shall be adjudged Felony, and the Offender or Offenders shall suffer by Whipping and Pillorying, and paying Fourfold, as in case of Felony.

No Tobacco
to be landed
but at public
warehouses;
nor to be
taken out of
Cask by any
Skipper, &c.
before
inspected

Provisoes Provided always, That nothing herein before contained shall be construed to prohibit the Landing or putting on Shore any Hogshead, Cask, or Case of Tobacco, out of any Sloop, Boat, or other Vessel, which, by Distress of Weather, shall be forced on Ground,

or become leaky, so as such Landing be really, and bona fide, for the Session Laws Preservation of the Tobacco laden in such Vessel; and that the same be, with all convenient Speed, carried thereafter to the Warehouse, or Ship (as the case shall be), to which it was designed, without Imbezzlement.

Provided also, That if by any of the accidents aforesaid, or Negligence of the Master, or Skipper, of any Vessel, any Tobacco which hath been viewed and stamped, shall, in it's Carriage to the Ship, in which it is intended to be exported, receive so much Damage, as that the Master of such Ship will not receive it on board, every Hogshead, Cask, or Case of Tobacco, so damnified, shall, with all convenient Speed, be carried to some Warehouse appointed by this Act, and there lodged, until the Owner of the said Tobacco, or Master of the Vessel, in which it was damaged, shall have separated the same, and repacked the good Tobacco; and then the same shall be viewed and stamped by the Inspectors attending such Warehouse, without Fee or Reward.

Provided always, That every Person appointed, or to be appointed an Inspector by Virtue of this Act, shall, before he enters upon the Execution of the said Office, enter into Bond, with good Surety, in the Penalty of three hundred Pounds current Money, payable to the Lord Proprietary, his Heirs and Successors, with Condition, for the true and faithful Performance of his Duty, according to the Directions of this Act; and shall also take the following Oath, or Affirmation if a Quaker, that is to say, "You shall swear, (or affirm,) that you will diligently and carefully view and examine all Tobacco brought to any public Warehouse or Warehouses, where you are appointed to be Inspector, and all other Tobacco which you shall be called upon to view and inspect; and that you will not receive any Tobacco that is not, in your Judgment, sound, well-conditioned, merchantable, and clear of Trash; nor receive, pass, or stamp any Tobacco, or Hogshead, Cask, or Case of Tobacco, prohibited by one Act of Assembly entituled, An Act for amending the Staple of Tobacco, for preventing Frauds in his Majesty's Customs, and for the Limitation of Officers Fees; and that you will in all Things well and faithfully discharge your Duty in the Office of an Inspector, according to the best of your Skill and Judgment, and according to the Directions of the said Act, without Fear, Favour, Affection, Malice, or Partiality: So help you God." Which Oath, or Affirmation, shall and may be taken before any one Justice of the Peace for the County where the Inspector shall officiate; and by such Justice certified to the Vestrymen and Churchwardens of the Parish, and an Entry made in the Book which the said Vestry are obliged to keep by this Act. And if any Person shall presume to execute the Office of an Inspector, before he has given such Bond and taken such Oath or Affirmation as aforesaid, as also the Oaths or Affirmation prescribed by Law to be taken to the

Inspectors
to give
Bond, with
Sureties, for
the due
Execution
of their
Office

The Oath

Session Laws Government, and subscribed the Oath of Abjuration and Test, he shall forfeit and pay five hundred Pounds current Money.

p. 11
Times of
the
Inspectors
Attendance

The Duty
of Inspect-
tors

And be it further Enacted, That all Inspectors to be appointed by Virtue of this Act, shall attend their Duty at the Warehouse or Warehouses under their Charge, from the tenth Day of November to the first Day of April, as often as required, and constantly from the said first Day of April to the last Day of August, yearly. (except Sundays, and the Holidays observed at Christmas, Easter, and Whitsuntide, or when hindered by Sickness): And afterwards they or one of them shall constantly attend at the same (except on Sundays), to deliver out Tobacco for Exportation, 'til all the Tobacco remaining there the said last Day of August shall be so delivered. And every Inspector neglecting to attend as aforesaid, shall forfeit and pay to the Party grieved seven Shillings and six Pence for every Neglect, or shall be liable to the Action upon the Case of the said Party grieved, to recover all such Damages which he or she shall have sustained, by Occasion of any such Neglect, together with his or her full Costs, at the Election of such Party. And all Inspectors shall uncase and break every Hogshead, Cask, and Case of Tobacco, brought to them to be Inspected as aforesaid: And if they shall agree that the same is sound, well-conditioned, merchantable, and clear of Trash, then such Tobacco shall be weighed in Scales with Weights of the lawful Standard; and the Hogshead, Cask, or Case, shall be stamped and marked with a hot Iron on the Head and Bulge, in the Presence of the said Inspectors, or one of them, with the Name of the Warehouse, at which the Tobacco therein contained shall be viewed and inspected as aforesaid; and also with the Tare of the Hogshead, Cask, or Case, and Quantity of nett Tobacco therein contained. But if the said two Inspectors shall at any time disagree, concerning the Quality of any Tobacco brought for their Inspection to any Warehouse under their Charge, they shall without Delay, or as soon as conveniently may be, call from the next adjacent Warehouse or Inspection, another Inspector, who shall determine the Difference, and pass or reject such Tobacco. And where any Inspector shall happen to be sick, and unable to attend his Duty: in that Case it shall be lawful for any other Inspector of any adjacent Warehouse, and he is hereby obliged to view, inspect, and pass Tobacco in his Room. And when any Inspector shall bring his own Tobacco to the Warehouse whereof he is Inspector, the same shall not be passed or stamped, unless it be first viewed, examined, and found good and qualified as aforesaid, by the other Inspector there attending, and by one or both the Inspectors, as the Case shall require, from the next adjacent Warehouse.

Notes to be
given by the
Inspectors
for all
Tobacco
brought to
the ware-
houses for
the Pay-
ment of
Debts

And be it further Enacted, That if any Tobacco shall be brought to any of the said Warehouses for the Discharge of any public or private Debt or Contract, the said Inspectors or one of them, after they have viewed, examined and weighed the said Tobacco accord-

ing to the Directions of this Act, shall be obliged to deliver to the Person bringing the same, as many promissary Notes, under the Hands of the said Inspectors, as shall be required, for the full Quantity of Tobacco received by them, in which shall be expressed whether the Tobacco so received be Stemmed, Leaf or Coloured; which Notes shall, and are hereby declared to be current in all Tobacco-Payments whatsoever, in the County where the Tobacco shall be inspected, according to the Species expressed in the Note, and shall be transferrable from one to another in all such Payments (except as herein is excepted), and shall be paid and satisfied by the Inspector, or Inspectors, who signed the same, upon Demand: And for every Hogshead of Tobacco brought to any public Warehouse, for the Discharge of any public or private Debt, in good Cask, of such Dimensions as herein after expressed, there shall be allowed by the Inspector thereof, to the Person bringing the same, after the Rate of four Pounds of Tobacco for every hundred Pounds the Tobacco therein contained shall weigh, after the same shall be viewed and passed, so as such Allowance does not exceed forty Pounds of Tobacco for each Hogshead. And the said Inspectors shall, and they are hereby obliged to make every Hogshead by them paid away, in Discharge of any Note by them given as aforesaid, to contain nine hundred and fifty Pounds of nett Tobacco at the least, exclusive of the Allowance for the Cask; And for every such Hogshead of Tobacco by them paid away, well lined and nailed fit for shipping, there shall be paid by the Person receiving such Hogshead seven Shillings for Inspecting, and six Pence for Nails; which said Sum of six Pence the said Inspectors shall and may retain in their Hands for their own Use, to reimburse them the Expence of providing Nails: And the Person demanding or receiving Tobacco in Discharge of Notes as aforesaid, shall allow to the Inspectors four Pounds of Tobacco per Centum, not exceeding forty Pounds of Tobacco for each Hogshead so received, for the Cask, and two Pounds of Tobacco for every hundred Pounds of Tobacco contained in such Notes; and so proportionably for a greater or lesser Quantity, for Shrinkage and Wasting, if the said Tobacco be paid at any time within two Months after the Date of the Note given for the same; and one Pound of Tobacco for every hundred, for every Month the same shall be unpaid after the said Allowance; so as such Allowance for Shrinkage and Wasting do not exceed, in the whole, six Pounds of Tobacco for every hundred. And if any Inspector or Inspectors, by whom any such Notes for Tobacco, as aforesaid, shall be signed, shall refuse or delay to pay and satisfy the same when demanded, every Inspector so refusing or delaying shall forfeit and pay to the Party injured double the Value of the Tobacco so refused or delayed to be paid; to be recovered with Costs in any Court of Record within this Province, if the Note or Notes so refused or delayed to be paid exceed six hundred Pounds of Tobacco; and if the said Note or

Session Laws

Which shall pass Current in payment of all Tobacco Debts, and be transferrable

p. 12

Inspectors not to delay Payment of the Notes by them given

SessionLaws Notes do not exceed six hundred Pounds of Tobacco, the double Value aforesaid shall and may be recovered before any Justice of the Peace of the County wherein the Warehouse shall be, at which the Note or Notes ought to be paid.

Charge of inspecting Tobacco for Exportation And be it further Enacted by the Authority aforesaid, That all Tobacco brought to any of the said Warehouses in Hogsheads, Casks, or Cases, to be exported on Account and for the Use of the Owner thereof, after the same shall have been viewed, examined, and weighed, and found to be good, shall be stamped as herein before directed: And the said Inspectors, or one of them, shall deliver to the Person bringing the same, as many Receipts signed as aforesaid, as shall be required for the Number of Hogsheads so brought and stamped. And for every Hogshead, Cask, or Case, brought to any of the said Warehouses to be exported, on Account and for the Use of the Owners thereof, there shall be paid to the Inspectors there attending, four Shillings, for viewing, examining, and stamping the same; and the Owners of the said Tobacco shall find and provide Nails for the nailing thereof.

No Debt or Duty payable in Tobacco to be paid otherwise than in Inspectors Notes And be it further Enacted, That during the Continuance of this Act, no Tender of any Debt or Duty payable in Tobacco shall be accounted lawful, unless Payment of the same shall be tendered in Inspectors Notes or Receipts. Provided always, That every Person or Persons indebted now, or who shall be indebted to any Person or Persons whatsoever, before the first Day of December, one thousand seven hundred and forty-eight, it shall and may be lawful for such Person or Persons to pay and discharge such Debt or Debts in the Tobacco made at any Time before the first Day of December, one thousand seven hundred and forty-seven, and that such Payment or Tender made shall be good in Law against the Creditor or Creditors of such Debtor or Debtors as aforesaid; any Thing in this Act to the contrary notwithstanding.

Dimensions of Hogshead And for restraining the undue Practice of mixing Trash with stemmed Tobacco, and preventing the packing Tobacco in unsizeable Casks, Be it Enacted and Declared, That all stemmed Tobacco not laid streight, whether the same be packed loose or in Bundles; and all Tobacco packed in Hogsheads which exceed forty-eight Inches in the Length of the Stave, and seventy Inches in the whole Diameters within the Staves at the Croze and Bulge, shall be accounted unlawful Tobacco, and shall not be passed or received: But the Owner of such Tobacco packed in Casks of greater Dimensions than before expressed, shall be obliged to repack the same in sizeable Cask, at his own Cost and Charge, before the same shall be stamped by the said Inspectors.

Punishment of Persons forging or counterfeiting Stamps or Notes And be it further Enacted, That if any Person whatsoever shall forge or counterfeit the Stamp, Note, or Receipt, of any Inspector, or tender in Payment any such forged or couterfeited Note or Re-

ceipt, knowing it to be such; or export, or cause to be exported any Session Laws
Hogshead, Cask, Case, Chest, Box, or other Package of Tobacco, p. 13
stamped with a forged or counterfeit Stamp; or demand Tobacco
of any Inspector upon any such forged or counterfeited Note or
Receipt, knowing such Note or Receipt, or such Stamp to be forged
or counterfeited; or shall put or pack into any Hogshead, Cask, or
Case of Tobacco, stamped by any Inspector, any Tobacco whatso-
ever, or shall draw or take out any Stave, Plank, or Heading-board
of any Hogshead, Cask, or Case of Tobacco, after such Hogshead,
Cask, or Case of Tobacco shall be delivered out from any of the
public Warehouses aforesaid; every Person so offending, and being
thereof convicted by due Course of Law, shall be adjudged a Felon,
and shall suffer as in Case of Felony.

And be it further Enacted by the Authority aforesaid, That if any Of Notes
Inspectors Notes or Receipts be casually lost, mislaid, or destroyed, lost, mislaid,
the Person or Persons intitled to receive the Tobacco by Virtue of or destroyed
any such Note or Receipt, shall make Oath, or Affirmation if a
Quaker, before a Justice of the Peace of the County where the same
is payable, to the Number or Date of every such Note or Receipt,
to whom and where payable, and for what Quantity of Tobacco the
same was given, and that such Note or Receipt is lost, mislaid, or
destroyed, and that he, she, or they, at the time such Note or Receipt
was lost, mislaid, or destroyed, was lawfully intitled to receive the
Tobacco therein mentioned; and shall take a Certificate thereof from
such Justice: And upon producing a Certificate of such Oath or
Affirmation to the Inspectors who signed such Note or Receipt, and
lodging the same with them, the said Inspectors shall, and are hereby
directed to pay and deliver to the Person obtaining such Certificate,
the Tobacco for which any such Notes or Receipts were given (if
the same, or any Part thereof, shall not have been before by them
paid, by Virtue of the said Notes or Receipts), and shall be thereby
discharged from all Actions, Suits, and Demands, on Account of
such Notes or Receipts. And if any Person shall be convicted of
making a false Oath or Affirmation, or producing a forged Certifi-
cate, in the Case aforesaid, he shall forfeit and pay thirty Shillings
for every hundred Pounds Weight of Tobacco contained in such
Certificate, and so in Proportion for a less Quantity; and moreover,
upon Conviction in any Court of Record, shall suffer as in Case of
wilful and corrupt Perjury.

And be it further Enacted by the Authority aforesaid, That all Public and
Tobacco due, or to grow due and payable, for Public and County County
Levies, Parochial Charges, and all Officers and Attorneys Fees, which Levies,
shall not be discharged and paid in Money, as by the Paper-Currency Parish
Act, or this Act, is directed, the Allowance to the Clergy hereby Charges,
settled shall be paid and discharged in the following Manner: That and Officers
is to say, The Public and County Levies, in any of the Warehouses Attorneys
withun the County on which the same shall be levied: Parochial Fees, how
to be paid

Session Laws Charges, and the Allowance to the Clergy, in some Warehouse within that Parish, if required; and all Officers and Attorneys Fees, in some of the Warehouses within the County where the Person shall live to whom the same shall be chargeable: And should there happen to be any County or Parish without a Warehouse, that then and in such Case, all the aforesaid Public and County Levies, Parochial Charges, Officers and Attorneys Fees, or such Part thereof as shall not be paid in Money, and Clergy's Allowance, shall be paid by Inspectors Notes, at some Warehouse or Warehouses in the next adjacent Counties. Provided always, That no Transfer Notes of the preceding Year shall pass in any such Payment.

Sheriffs
Commission And be it Enacted, That at the time of laying any Public or County Levies, there shall be levied for the Sheriff that is to collect and pay the same, six Pounds per Centum, and no more; which the said Sheriff is hereby empowered to retain in his own Hands.

Clergymen
to have
Thirty
Pounds of
Tobacco
per Poll
p. 14 And in Regard that it is the general Expectation, that by Means of this Act, Tobacco will be meliorated, the Quantity undoubtedly lessened, and the Mode of Payment much facilitated, and thereby the Stipends of the Clergy will be made more valuable than at present; and that it is deemed but highly reasonable, that, in Regard this Province will be at an Expence in carrying this Act into Execution, in which the Clergy ought to bear a Part: Be it Enacted, That during the Continuance of this Act, the County Courts levy on the taxable Inhabitants of the respective Parishes, or Part of Parishes, within their Counties, no more than thirty Pounds of Tobacco per Poll, instead of forty Pounds of Tobacco per Poll by a former Act directed; notwithstanding any thing in the said former Act contained: And that the Clergy shall be paid by Inspectors Notes in their respective Parishes, by the several and respective Sheriffs, if an Inspecting Warehouse be in the Parish; otherwise at the next adjacent Inspecting Warehouse or Warehouses to the said Parish, where such his Parishioners have their Tobacco inspected; for which Payment the Sheriff shall retain in his own Hands five per Cent, and no more.

Allowance
to Payers of
Officers
Fees And be it further Enacted, That out of every hundred Pounds of Tobacco paid in Discharge of all Officers and Attorneys Fees, and the Public and County Levies, when paid in Tobacco, and so proportionably for a greater or lesser Quantity, there shall be made an Allowance or Abatement to the Payer of ten Pounds of Tobacco per Centum, during the Continuance of this Act.

Allowance
to Clerks
of Courts
for Con-
venience And be it further Enacted, That during the Continuance of this Act, the Clerk or Register of every Court within this Province, in taxing the Costs of any Judgment or Decree, obtained, or to be obtained, shall deduct out of the said Costs the same Allowance for Convenience, as shall or ought to be made and allowed to the Party first charged with the Fees so taxed in the Bill of Costs by the re-

spective Officers; and Execution shall issue for no more than the said Costs amount to after the said Deduction. Session Laws

And be it Enacted, That all Tobacco Debts, which are or shall be due from the several Counties within this Province, before the laying the next County Levies, shall be claimed and laid before the several Justices of the respective Counties at the laying such Levies, or shall be forfeited. Provided nevertheless, That if it shall be made appear to the Satisfaction of such Justices, that through some Mis-carriage, or unavoidable Accident, such Claim or Claims were not laid before them as is before directed, that then and in such Case the said Justices may allow such Claim or Claims in the first Levy which shall be laid afterwards, and not otherwise. Of Tobacco
Debts due
from
Counties

And, for the Ease of the Inhabitants of this Province, in the Payment of the Public and County Levies, Be it further Enacted by the Authority aforesaid, That at the laying of every such Levy, as well in the Year seventeen hundred and forty-eight, before this Act shall take Place, as also at the laying of every such Levy during the Continuance of this Act, there shall be made a Deduction of one fifth Part out of all Tobacco now due from the Public, or any County, and from all Tobacco hereafter to become due (save Officers Fees, as regulated by this Act), with which the Public and several Counties are chargeable, by Virtue of any Acts of Assembly of this Province; and that it shall and may be lawful for all Persons charged with the remaining four Fifths, and the Officers Fees regulated as aforesaid, in such Levies, to pay the same in Money, at twelve Shillings and six Pence per Cent, during the Continuance of this Act, so as such Payments shall be made by the tenth Day of April, yearly, and every Year. Deduction
of Fifth, to
be made at
the laying
of County
Levies

And be it Enacted, That all Lawyers Fees, which shall be paid in Inspected Tobacco, shall be liable to the Abatement and Deduction of one fifth Part. And
Lawyers
Fees

And be it further Enacted, That all Public and County Levies, Parochial Charges, and Attorneys Fees, that shall be paid in Tobacco, Clergy's Allowances, and all Officers Fees, payable in Tobacco, shall be paid and satisfied by the Persons chargeable with, and indebted for the same to the respective Sheriffs by Inspectors Notes, before the tenth Day of June yearly, during the Continuance of this Act: And if any Person chargeable with Levies, Parochial Charges, Clergy's Allowances, and Fees, as aforesaid, shall neglect or refuse to pay the same within the Time aforesaid, it shall and may be lawful for the Sheriffs, immediately after the said tenth Day of June, to distrain the Goods and Chattels of the Person or Persons so neglecting and refusing, and to sell and dispose thereof at the Expiration of five Days after Distress made, for Tobacco, at public Auction; all which shall be done by the said Sheriff without Fee or Reward, and the Overplus, if any be beyond what will satisfy the Demands All Levies,
Fees, and
Clergy's
allowance
to be paid
in Inspec-
tors Notes

Session Laws aforesaid, shall be returned to the Debtor. Provided always, That
 P. 15 when any Person who shall be indebted for Public or County Levies, Clergy's Dues, Parochial Charges, Officers and Attorneys Fees, shall refuse to shew Tobacco to the Sheriff, or any other Goods or Chattels, to be distrained, that then and in such Cases it shall and may be lawful for the Sheriff to take such Person in Execution for such Levies, Dues, Charges, and Fees. And the Sheriffs shall, before the last Day of June yearly, pay and deliver to each Creditor, according to their respective Debts or Claims, all the Inspectors Notes he hath received in Satisfaction thereof: And if any Sheriff shall refuse or delay to make Payment accordingly if required, he or they so refusing or delaying shall forfeit and pay to the Party grieved double the Value of the Tobacco, so refused and delayed to be paid, to be recovered with Costs, if the Party Creditor only inclines to sue the Sheriff; or otherwise, if he sues his Bond in this Case, the Creditor shall only take his Debt, Interest, and Costs, out of the Sheriff's Bond that shall be sued.

Tobacco re- And be it further Enacted, That when any Tobacco shall be
 fused by the brought to any of the public Warehouses, and refused by the In-
 Inspectors spectors there officiating, the same shall be immediately burnt by
 to be burnt them, unless the Owner, or Person bringing such Tobacco, desires
 or repick'd to sort and separate the same, and to pick out such as is bad; in
 which Case the Inspectors shall permit the same to be done, at the Warehouse to which the said Tobacco shall be brought, without Fee or Reward; but shall not on any Pretence suffer the said Tobacco to be removed or carried from the said Warehouse. And the said Inspectors shall allow one Month for separating or picking such Tobacco; after which Time, if the same be not done, it shall be lawful for them to burn the whole; except where the Tobacco is in a Sweat, or where the Circumstances or Accidents of Weather may have prevented the Handling of it, in which Case the Inspectors shall allow such further time as they shall think reasonable. And where any Tobacco shall be separated and picked as aforesaid, the trash and bad Tobacco shall be burnt by the Inspectors the same Day it is picked out, under the Penalty of forfeiting seven Shillings for every Failure, to the Informer.

Overseers And if any Tobacco packed in Cask by an Overseer, or the Hands
 to make under his Care, shall be burnt by the said Inspectors by reason of
 good all it's being bad, unsound, or not in a good Condition, the Overseer
 burnt who had the Care of making and packing the same, shall bear the
 Tobacco Loss of the Tobacco so burnt, and make Satisfaction for the same,
 of their own packing out of his Share of the Crop, or otherwise. And the Inspectors shall
 be obliged to keep an Account of all Tobacco so burnt.

Frauds in And to the Intent the just Quantity of Tobacco exported may be
 his more exactly known, and all evil Practices to defraud his Majesty
 Majesty's customs, of his Customs prevented, Be it Enacted by the Authority aforesaid,
 how to be prevented

That all Inspectors shall carefully enter in a Book, to be provided Session Laws and kept for that Purpose, the Marks, Numbers, Gross, Nett Weight, and Tare of all Tobacco viewed and stamped by them as aforesaid, and in what Ships or Vessels the same shall be laden or put on board : And shall also with every Sloop Load, or Boat Load of Tobacco, send a List of the Marks, Numbers, Gross, Nett Weight, and Tare, of every Hogshead of Tobacco then delivered, to be given to the Master of the Ship or Vessel in which the same shall be put on board. And if the Tobacco delivered to the same Sloop or Boat, is intended to be put on board several Ships or Vessels, then they shall deliver so many distinct and several Lists as aforesaid of the Hogsheads to be put on board such Ship or Vessel respectively ; which Lists every Master of a Ship or Vessel is required to produce to, and lodge with the Naval Officer of the District where the Ship or Vessel whereof he is Master shall ride, or by whom he shall be cleared, some time before her Clearance. But whereas it may happen that the Ship, in which such Tobacco was intended to be put, may be so full as not to be able to stow all the Tobacco contained in such List ; in such Case it shall and may be lawful to ship the said Tobacco, or any Part thereof, on board any other Ship or Ships, where the Owner thereof shall think fit, the Masters of such Ships indorsing on the said Lists the Marks and Numbers of the respective Hogsheads by them taken on board, and giving Notice to the Inspectors of the Warehouse from whence the same was brought : Or if there p. 16 be no Ship to receive the said Tobacco, then it shall and may be lawful for the Master of the first mentioned Ship or Vessel, to put the said Tobacco into the nearest Warehouse to the Place where such Ship shall ride, giving immediate Notice thereof to the Inspectors who stamped the same. And the Inspectors of that Warehouse where such Tobacco shall be delivered, shall give a Receipt for the same, and shall cause the said Tobacco to be safely lodged, and delivered to the Order of the Owner thereof, whenever he or she shall think fit to ship it off ; and that without Fee or Reward.

And be it further Enacted, That every Master of a Ship or Vessel, wherein Tobacco shall be laden, shall, at the Time of Clearing, deliver to the Naval Officer three fair Manifests of all the Tobacco on board his Ship or Vessel, expressing the Marks and Numbers of every Hogshead, and the Tare and nett Weight, stamped thereon. the Person by whom shipped, and from what Warehouse, and shall make Oath, or Affirmation if a Quaker, thereto, and that the same is a just and true Account of the Marks, Numbers, Tare, and nett Weight of each respective Hogshead, as the same was taken down by the Person or Persons appointed by him to take the same, before the said Tobacco was stowed away. And no Ship or Vessel shall be cleared by the Naval Officer, before he shall have received such Lists and Manifests ; one of which said Manifests shall, by the said Naval Officer, be annexed to such Master's Certificate or Clearance, Masters of Ships to deliver to the Naval Officers 3 Manifests upon Oath at the Time of Clearing

Session Laws to the End the same may be delivered to the chief Officer of the Customs, in such Port or Place where the said Ship shall unlade; and the other two of the said Manifests shall, by the said Naval Officer, be transmitted to the said chief Officer of the Customs, by the two next convenient Opportunities.

Places for
Inspecting
Houses in

St. Mary's
County;

Kent
County;

Anne
Arundel
County;

Calvert
County;

Somerset
County;

p. 17
Talbot
County;

And be it further Enacted by the Authority aforesaid, That public Warehouses for the Inspection of Tobacco, pursuant to this Act, shall be kept at the several Places herein after mentioned: That is to say, In the County of St. Mary's, at Chaptico, on the Land of Philip Key, under one Inspection; at the Court-House, on the Land of Abraham Barnes, under one Inspection; at the Head of St. Mary's River, at the usual Landing, under one Inspection; at Mr. Cole's, at Cole's Creek, under one Inspection; at Town Creek, on the Land belonging to Hugh Hopewell, under one Inspection. In Kent County, at Captain Samuel Tovey's, on Gray's-Inn Creek, and at Miles Mason Shehawn's, on Langford's Bay, under one Inspection; at Chester-Town, and at the Widow Clannahawn's, above the Mouth of Morgan's Creek on Chester River, under one Inspection; at Abraham Falkner's at the Head of Chester River, and at George-Town on Sassafras River, under one Inspection. In Anne Arundel County, at Elk-Ridge Landing on Patapsco River, under one Inspection; at Indian Landing on Severn River, and at the Ferry on the North Side of Magathy River, under one Inspection; at Macclefish's alias Howard's Point, on the South Side of South River, and at the Landing commonly called Taylor's, near Killkenney on Patuxent River, under one Inspection; at Pig Point on Patuxent River, and at Thomas Sprigg's Point near where the Ships lie in West River, under one Inspection. In Calvert County, at the Head of St. Leonard's Creek, under one Inspection; on the lower Side of Hunting Creek, near Mr. Hance's Warehouse, under one Inspection; at Lower-Marlborough, under one Inspection. In Charles County, at Benedict-Town on Patuxent River, under one Inspection; at Piles's Fresh, on Mrs. Jane Parnham's Land, at the Head of Wiccocomico River, under one Inspection; at Lower Cedar-Point, on Charles Jones's Land, under one Inspection; at the Head of Port-Tobacco Creek, at a Place called Washtank, on the Land of William Neale, under one Inspection; at Nanjemoy on Potowmack River, on the Land of Richard Harrison, under one Inspection; at Mattawoman Creek, on Benjamin Bullet's Land, under one Inspection. In Somerset County, at Princess Anne Town, near Monokin Bridge, and on the Land of Thomas Maddox, below the Mouth of Back Creek, under one Inspection; on Great Animessex, the Land of Outerbridge Horsey, on Colebourne's Creek, at a Place called The Old Town, and on Pocomoke Rehoboth Town, under one Inspection; on Wiccocomico River, at Day Scott's Warehouse near Greenhill Town, and at the Head of Barren Creek on Nanticoke River, on the Land of William Brown, under one Inspection. In Talbot County, at

King's-Town, on the Land belonging to William Gale, and at Session Laws
 Berry's Landing on King's Creek at Barker's Landing, under one
 Inspection; at Morris Gideon's Landing on Dividing Creek, and at
 Oxford on Mr. Richard Gildart's Lot, under one Inspection; at
 Daniel Sherwood's Landing on Broad Creek, under one Inspection;
 at Thomas Bruff's Landing on St. Michael's River, and at the Old
 Field Landing lately belonging to Harris Clayland, on the Eastern
 Branch of Wye River, under one Inspection. In Dorchester County, Dorchester
 at Choptank Bridge on Peter Rich his Land, under one Inspection; County;
 at Hunting Creek at Dr. Murray's Land, and at Nanticoke, on
 Thomas Cannon, junior, his Land where he now dwells, under one
 Inspection; at the Town of Plymouth, on Phillip's Land, and Little
 Choptank on Arthur Whiteley's Land, under one Inspection; at
 Vienna Town, on Henry Hooper, junior, his Land, and at Chop-
 tank, on Henry Ennalls, junior, his Land, at the Ferry Landing,
 under one Inspection. In Cæcil County, at Frederick-Town on Sassa- Cæcil
 fras River, and at John Holland's at Bohemia Ferry, under one County;
 Inspection; at Charles-Town on North-East River, under one In-
 spection. In Baltimore County, at Baltimore-Town, on the West Baltimore
 Side of the Falls, and at Ragland Landing on Patapsco River, under County;
 one Inspection; at Joppa, at the Ferry-Landing near the Point-House
 on Gunpowder River, under one Inspection; at Otter-Point Land-
 ing, near the Red Clift on Bush River, under one Inspection; at
 John Loney's on Swan Creek, and at the Rock Run on Susquehanna
 River, under one Inspection. In Prince George's County, at the Pr. George's
 Head of Rock Creek, the Rolling-House which George Gordon County;
 built, under one Inspection; at Bladensburg, on the Lot and at the
 Warehouse belonging to Dr. David Ross, under one Inspection;
 at Broad Creek, on the Land of Humphry Batts, and on Piscataway
 Creek, at or near Richard Rawlings's Landing, under one Inspec-
 tion; at Queen Anne Town on Patuxent River, under one Inspec-
 tion; at Upper-Marlborough, under one Inspection; at Nottingham,
 and at or near Truman's Point on Patuxent River, under one In-
 spection. In Queen Anne's County, on Samuel Blunt's Dwelling Queen
 Plantation, under one Inspection; at Charles Brown's Landing, and Anne's
 at the Head of Courseca Creek on the Land of William Hopper, County;
 under one Inspection; at the Church Landing near Collins's Mill,
 and at Humphry Wells, junior, his Landing, under one Inspection;
 at Tuckahoe Bridge, and at Choptank Bridge, under one Inspection.
 In Worcester County, at Col. Scarborough's Warehouse in Snow Worcester
 hill Town, and at Major Hopkins's Warehouse in Newport Town, County;
 under one Inspection; at Baltimore-Town on Indian River, and at
 Broad Creek, on the North Side at the Wading-place, under one
 Inspection.

And there shall be paid to the several Inspectors, to be appointed Inspectors
 to attend in Virtue of this Act at the said several Warehouses, the Sallaries in
 Sallaries herein after mentioned. To each Inspector in St. Mary's County;

- SessionLaws County, at Chaptico on the Land of Philip Key, fifty Pounds to each Inspector, at the Court-House, on the Land of Abraham Barnes, fifty Pounds to each Inspector; at the Head of St. Mary's River, at the usual Landing, fifty Pounds to each Inspector; at Mr. Cole's at Cole's Creek, forty Pounds to each Inspector; at Town-Creek, on the Land belonging to Hugh Hopewell, forty
- Kent; Pounds to each Inspector. In Kent County, at Samuel Tovey's on Gray's Inn Creek, and at Miles Mason Shelawn's on Langford's Bay, fifty Pounds to each Inspector; at Chester-Town, and at the Widow Clannahawn's above the Mouth of Morgan's Creek on Chester River, sixty Pounds to each Inspector; at Abraham Falkner's at the Head of Chester River, and at George-Town on Sassafras River,
- Anne Arundel; fifty Pounds to each Inspector. In Anne Arundel County, at Elk-Ridge Landing on Patapsco River, sixty Pounds to each Inspector; at Indian Landing on Severn River, and at the Ferry on the North Side of Magathy River, fifty Pounds to each Inspector; at Macklefish's, alias Howard's Landing, on the South Side of South River, and at the Landing commonly called Taylor's Landing, near Kilkenny on Patuxent River, fifty Pounds to each Inspector; at Pig-Point on Patuxent River, and at Thomas Sprigg's Point, near where
- Calvert; the Ships lie, on West River, sixty Pounds to each Inspector. In Calvert County, at the Head of St. Leonard's Creek, forty Pounds
- p. 18 to each Inspector; at the lower Side of Hunting-Creek, near Mr. Hance's Warehouse, forty Pounds to each Inspector; at Lower-
- Charles; Marlborough, forty Pounds to each Inspector. In Charles County, at Benedict-Town on Patuxent River, fifty Pounds to each Inspector; at Piles's Fresh, on Jane Parnham's Land, at the Head of Wicocomico River, fifty Pounds to each Inspector; at Lower Cedar-Point, on Charles Jones's Land, forty Pounds to each Inspector; at the Head of Port-Tobacco Creek, on the Land of William Neale, sixty Pounds to each Inspector; at Nanjemoy on Potowmack River, on the Land of Richard Harrison, forty Pounds to each Inspector; at Mattawoman's Creek, on Benjamin Bullet's Land,
- Somerset; fifty Pounds to each Inspector. In Somerset County, at Princess-Anne Town near Monokin Bridge, and on the Land of Thomas Maddox below the Mouth of Back-Creek, forty Pounds to each Inspector; on Great Animessex, on the Land of Outerbridge Horsey, on Colebourne's Creek, at a Place called The Old Town, and on Pocomoke River, at Rehoboth Town, forty Pounds to each Inspector; on Wicocomico River, at Day Scott's Warehouse near Greenhill Town, and at the Head of Barren Creek on Nanticoke River, on the Land of William Brown, forty Pounds to each Inspector.
- Talbot; In Talbot County, at King's-Town, on the Lot belonging to William Gale, and at Berry's Landing on King's Creek and at Barker's Landing, sixty Pounds to each Inspector; at Morris Gideon's Landing on Dividing Creek, and at Oxford on Mr. Richard Gildart's Lot, sixty Pounds to each Inspector; at Daniel Sherwood's Landing

on Broad Creek, thirty Pounds to each Inspector; at Thomas Bruff's Landing on St. Michael's River, and at the Old Field Landing belonging to Harris Clayland, on the Eastern Branch of Wye River, fifty Pounds to each Inspector. In Dorchester County, at Choptank Bridge on Peter Rich's Land, twenty-five Pounds to each Inspector; at Hunting Creek on Dr. Murray's Land, and at Nanticoke, on Thomas Cannon, junior, his Land where he now dwells, forty-five Pounds to each Inspector; at the Town of Plymouth, on Philips's Land, and at Little Choptank on Arthur Whiteley's Land, forty-five Pounds to each Inspector; at Vienna Town, on Henry Hooper, junior, his Land, and at Choptank, on Henry Ennalls, junior, his Land, at the Ferry-Landing, forty-five Pounds to each Inspector. In Cæcil County, at Frederick-Town on Sassafras River, and at John Holland's at Bohemia Ferry, sixty Pounds to each Inspector; at Charles-Town on North-East River, fifty Pounds to each Inspector. In Baltimore County, at Baltimore-Town, on the West side of the Falls, and at Ragland Landing on Patapsco River, sixty five Pounds to each Inspector; at Joppa, at the Ferry-Landing near the Point-House on Gunpowder River, fifty Pounds to each Inspector; at Otter-Point Landing near the Red Clifts, on Bush River, fifty Pounds to each Inspector; at John Loney's, on Swan Creek, and at the Rock Run on Susquehanna River, fifty-five Pounds to each Inspector. In Prince George's County, at the Head of Rock Creek, the Rolling-House which George Gordon built, sixty Pounds to each Inspector; at Bladensburg, on the Lot at the Warehouse belonging to Dr. David Ross, sixty-five Pounds to each Inspector; at Broad Creek, on the Land of Humphry Batts, and on Piscataway Creek, at or near Richard Rawlings's Landing, seventy Pounds to each Inspector; at Queen-Anne's Town on Patuxent River, sixty-five Pounds to each Inspector; at Upper-Marlborough, sixty Pounds to each Inspector; at Nottingham, and at or near Truman's Point on Patuxent River, seventy Pounds to each Inspector. In Queen-Anne's County, on Samuel Blunt's dwelling Plantation, fifty Pounds to each Inspector; at Charles Browne's Landing, and at the Head of Courseca Creek, on the Land of William Hopper, sixty Pounds to each Inspector; at the Church Landing near Collins's Mill, and at Humphry Wells, junior, his Landing, sixty Pounds to each Inspector; at Tuckahoe Bridge, and at Choptank Bridge, sixty Pounds to each Inspector. In Worcester County, at Col. Scarborough's Warehouse in Snowhill-Town, and at Major Hopkin's Warehouse in Newport-Town, forty Pounds to each Inspector; at Baltimore-Town on Indian River, and at Broad Creek, on the North side at the Wading-place, twenty-five Pounds to each Inspector.

And be it further Enacted, That the Vestry-men and Church-wardens of Queen Caroline Parish in Anne-Arundel County, have full Power and Authority to elect and recommend four Inspectors for a Warehouse appointed to be at Elk-Ridge Landing, situate and

Session Laws

Dorchester;

Cæcil;

Baltimore;

Pr.
George's;Queen
Anne's;

Worcester;

p. 19
The
vestry of Q
Caroline
Parish to
Chuse In-
spectors for
St. Mar-
garets West-
minster

Session Laws being in St. Margaret's Westminster Parish, and to proceed as if the said Warehouse had by this Act been appointed to be in Queen Caroline Parish; and that the Vestry-men and Church-wardens of St. Margaret's Westminster Parish, no way intermeddle with the Election or Recommendation of Inspectors for the said Warehouse to be at Elk-Ridge Landing: And that the said Inspectors and Inspection be under the same regulation as if nominated and recommended by the Vestry-men and Church-wardens of St. Margaret's Westminster Parish; any thing in this Act contained to the contrary notwithstanding.

Indulgence to the Inhabitants of Annapolis And be it further Enacted, That it shall and may be lawful for the Inhabitants of Annapolis, or such of them as shall think fit, at their own proper Cost and Charge, to Rent or Build a Warehouse, and to provide all other Conveniencies for the Inspection and Prizing Tobacco; and for the Vestry-men and Church-wardens of Saint Anne's Parish to nominate and recommend four sufficient and capable Planters to be Inspectors, out of which four Persons two shall be Appointed by the Governor or Commander in Chief, as in other cases; and that the said Inhabitants, or such of them as shall Erect or Rent such Warehouse, shall pay such Inspectors such Salary as they and the Inspectors shall agree upon.

Inspectors When and how Chosen And be it Enacted by the Authority aforesaid, That all Tobacco that shall be brought to any of the Public Warehouses herein before-mentioned, shall be Viewed, Examined, and Inspected, by two Persons to be thereunto appointed, who shall be called Inspectors, and nominated and appointed in Manner and Form following, That is to say, The several and respective Vestry-men and Church-wardens of every Parish within this Province wherein any Warehouse shall be erected or established in virtue of this Act, or the major Part of them, shall and may, and they are hereby authorized and required, to meet together at their several and respective Parish Churches, on the first Week of December, Seventeen Hundred and forty-eight, and on the first Week of December, yearly, and every year, during the continuance of this Act, and to nominate and recommend to the Governor or Commander in Chief of this Province for the Time being, four able and sufficient Planters, well skilled in Tobacco, for each and every Inspection within their different Parishes, for the Execution of the Office of Inspectors: And where it shall happen that two Warehouses, under one and the same Inspection, shall be in different Parishes, the Vestry-men and Church-wardens of each Parish, or the major part of them, shall nominate and recommend two able and sufficient Persons, well skilled in Tobacco, for such Inspection.

If two Warehouses under 1 inspection be in several Parishes, then each Parish to Chuse two Lists to be returned to the Clerks of the Council and Governor to nominate 2 out of four

And be it Enacted, That the several and respective Vestry-men and Church-wardens, in both these Cases, shall forthwith transmit Certificates of such Nomination and Recommendation, to the Clerk

of the Council for the Time being, to be by him immediately laid before the Governor or Commander in Chief for the Time being; out of which said four Persons in the first Case to be nominated and recommended for Inspectors, the Governor or Commander in Chief shall and may choose and appoint two Persons by Warrant under his Hand, out of the four recommended to him from any one Vestry and Church-wardens, to be Inspectors; and in the latter Case, that is, where it shall happen that two Warehouses under one and the same Inspection, shall be in different Parishes, there the Governor, or Commander in Chief for the Time being, shall and may choose and appoint two Persons to be Inspectors, in manner aforesaid, to wit, one out of the Nomination and Recommendation of each Parish, to execute the Office of Inspectors at such Inspection.

And be it further Enacted, That in case of the Death, Resignation, Refusal, or Removal, of any Inspector or Inspectors, the Governor or Commander in Chief for the Time being, shall and may nominate and appoint any other Person or Persons mentioned in the last Recommendation, to be sent him from such Vestry-men and Church-wardens, for any Inspection where a Vacancy shall or may happen as aforesaid, to succeed any Inspector or Inspectors, as aforesaid resigning, refusing, removed, or dead: But should it so happen, that by Deaths, Resignations, Refusals, or Removals, there should not be Persons enough left in the Nominations of the respective Vestry-men and Church-wardens, so as aforesaid to be transmitted for the Appointment of the Governor or Commander in Chief, then, and in such Case, the Vestry-men and Church-wardens of any Parish or Parishes, where this shall happen to be the Case, shall immediately meet as aforesaid, and elect two, or four, as the Case shall require, for Inspectors, and, as before, transmit them to the Clerk of the Council, to be, as before, laid by him before the Governor or Commander in Chief, out of which the said Governor or Commander in Chief shall appoint a sufficient Number, according to the true intent and meaning of this Act, to serve as Inspectors respectively, according and in pursuance of the Recommendations aforesaid from the respective Vestry-men and Church-wardens. Provided always, and it is the true Intent and Meaning of this Act, that though the Vestry-men and Church-wardens are to elect Inspectors annually, yet where they elect again a former Inspector or Inspectors, they shall continue such without any new Appointment, by the Governor or Commander in Chief.

And be it further Enacted, That every Vestry-man or Church-warden, who shall neglect or refuse (not being prevented by Sickness or some unavoidable Accident) to meet according to the directions of this Act, to nominate and recommend an Inspector or Inspectors, or who being so met, shall omit, neglect, or refuse to nominate and recommend an Inspector or Inspectors, whereby Inspectors

Session Laws

Vacancies
by Death,
&c. how
fill'd up

p. 20

Vestrymen
or Church-
wardens not
to refuse the
Nomination
of Inspec-
tors

Session Laws shall not be nominated and recommended in pursuance of this Act, shall forfeit and pay five Pounds Current Money for every such Offence, one moiety to the Informer, the other moiety to the uses in this Act mentioned, and to be recovered by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, shall be allowed.

Proviso Provided always, That no Vestry-man or Church-warden, who shall be an Inspector, or who shall be nominated or recommended to be one, shall have or be allowed, so long as he shall be an Inspector, any Vote in the Nomination or Recommendation of any other Inspector or Inspectors; and that where any Person or Persons shall be appointed in pursuance of such Nomination and Recommendation as already mentioned, and thall afterwards and again be nominated and recommended to be an Inspector or Inspectors for the ensuing Year, such Nomination and Recommendation shall be a sufficient Power to such Inspector or Inspectors to be and continue in the said Office, without any further Appointment, and so, from Year to Year, so long as he or they shall be nominated and recommended as aforesaid.

Oath to be taken by Vestrymen and Church-Wardens And be it further Enacted, That every Vestry-man and Church-warden, shall take the following Oath before they proceed to the Nomination or Recommendation of any Inspector or Inspectors, to wit, I A. B. do Swear, that I will faithfully, honestly and justly, nominate and recommend such Person or Persons to be an Inspector or Inspectors, as I think in my Judgment and Conscience is or are fit and capable to execute the Office of an Inspector or Inspectors. So help me God.

Sheriffs to receive a Certificate of the Nomination of Inspectors And be it further Enacted, That notwithstanding any thing in this Act, it shall be the Duty of the Sheriffs within this Province to receive from the Vestry-men and Church-wardens, or their Register, a Certificate of the Nominations or Recommendations of any Inspector or Inspectors, provided the same be delivered to the Sheriff or his Deputy within six Days after such Nomination and Recommendation; and that such Sheriff or Sheriffs shall cause such Nominations or Recommendations to be transmitted in the same Manner as other public Letters are or ought to be dispatched, directed to the Clerk of the Council; and that such Letters be indorsed for his Lordship's Service.

Concerning the Owners of Lands where the Warehouses are to be built And be it Enacted by the Authority aforesaid, That the Justices of each respective County within this Province shall, with all possible Speed, make Enquiry who are the Proprietors or Owners of the Ground, whereon the Warehouse or Warehouses within the respective Parishes are directed to be built; and then direct their Clerk to issue a Note in Writing, to the Sheriff of the respective County, who is hereby required to serve the same, thereby signifying to such Proprietors or Owners, or his or her Guardian, Husband, or Attor-

ney, that a Warehouse is directed by Act of Assembly to be erected Session Laws
 at such a Place, naming it, being his, her, or their Land; and thereby
 also requiring the said Proprietor or Owner, if they think proper, to
 be and appear before them on a certain Day therein to be mentioned,
 which shall not, in Point of Time, exceed ten Days, in order to agree
 with such Proprietor or Owner for the Value of the said Acre or
 half Acre of Land, as the Case may happen: And if the Proprietor
 or Owner of said Land should happen to be under Age, Feme Covert,
 or beyond Seas, then the like Note in Writing shall be made and
 served on the Guardian, Husband, or known Attorney; and there
 the Justices aforesaid, in case the Party appears, shall demand if he,
 she, or they will build a Warehouse and Wharff, and erect Prizes
 and Cranes at such Place: And in case the Proprietor or Owner,
 Guardian, Husband, or Attorney, will undertake such Building on
 the Terms of this Act, and an Agreement shall be made with them
 to that Purpose by such Justices, or the major Part of them, then
 such Person, so agreed with as aforesaid, shall have the Preference
 to any other Person. But in case the Proprietor or Owner, Guardian,
 Husband, or Attorney, as aforesaid, shall not appear at the Day
 to be appointed, and notified to them as aforesaid, or, upon appear-
 ing, will not agree to build as aforesaid, that then the Justices as
 aforesaid may agree with any other Person who will undertake to
 build a Warehouse, Wharff, and other Conveniences as aforesaid at
 such Place. And in case the Justices as aforesaid do or shall enter
 into an Agreement either with the Proprietor or Owner, Guardian,
 Husband, or Attorney, as aforesaid, or with any other Person that
 will undertake the Building aforesaid, the said Justices shall take
 Bond in the Penalty of two hundred Pounds, conditioned to build a
 Warehouse, Wharff, and other Conveniences, at such Place, accord-
 ing to such Agreement; which said Bond shall be taken in the Name
 of the presiding Justice of the County, and his Successor or Succes-
 sors, and shall be recorded by the County Clerk: And in case of Loss
 of the original Bond, a Copy thereof, attested by the Clerk, shall be
 as good Evidence as the Original, and an Action may be brought
 and maintained on such Copy; nor shall such Action abate by the
 Death of any presiding Justice, in whose Name it may be sued; and
 in case the Proprietor or Owner, Guardian, Husband, or other Per-
 son, will not build such Warehouse, Wharff, and other Conveni-
 ences, then the Justices as aforesaid shall agree, on the best Terms
 they can, with a proper Workman or Workmen to build such House,
 Wharff, and other Conveniences, at the most reasonable Price, and
 to have the same Building done so especially as to receive Tobacco
 by the first Day of April, in the Year One thousand seven hundred
 and forty-nine.

And be it Enacted, That in case the Proprietor or Owner, Guar-
 dian, Husband, or Attorney, as aforesaid, will not build on such
 Lands as aforesaid, that then and in such Case the Justices as afore-

Lands to be
 valued and
 sold, where
 the Owner
 refuses to
 build

SessionLaws said proceed to set a Value, in Current Money, on the Acre or half Acre of Land, as the Case shall be; and whatever Value the said Justices shall so set on the same, it shall be paid in Manner following; that is to say, If any other than the Proprietor or Owner shall undertake the said Building, and other Conveniences, then such Undertaker shall pay to the Proprietor or Owner the Sum so set by the Justices as aforesaid for the said Land; and from and after such Payment, such Undertaker upon Building as aforesaid, shall have an absolute Estate in Fee Simple, in said Acre or half Acre of Land, as the Case shall be. And in case the Proprietor or Owner of such Land, the Guardian, Husband, or Attorney, aforesaid, will not build as aforesaid, nor that any other Person will undertake the doing thereof, on the Terms of this Act, that then and in such Case the Justices as aforesaid shall, without Delay, agree with some Workman, or Workmen, to build as aforesaid: And then such Justices, or the major Part of them, are hereby required and obliged to apply, by their Order or Orders in Writing, to the Commissioners or Trustees for emitting Bills of Credit, established by Act of Assembly, at the City of Annapolis, for so much Money in Bills of Credit, as will pay for the Land valued, or to be valued by them; as also for such further or other Sum or Sums of Money, as will compleat the

p. 22 Buildings aforesaid, and other Conveniences, which the said Justices shall find requisite for the Uses of such Inspecting House or Houses. Provided always, That the Justices of any one County shall not take out of the said Loan-Office a Sum exceeding one hundred Pounds Current Money, for any one House, and the other Necessaries thereto belonging.

Justices
paying for
Land to be
invested
with an
Estate in
Fee Simple,
&c.

And be it Enacted, That where the Justices aforesaid shall cause to be built and made the said Warehouses, Wharffs, and other Conveniences, that they paying or tendering the Value of the Land, so as aforesaid set, to the Proprietor or Proprietors, the Guardian, Husband, or Attorney, as aforesaid, as the Case shall be, that then such Justices shall have an absolute Estate in Fee Simple, to them and their Successors, in said Land, to the Use of the County: And where the said Buildings and other Conveniences shall be made and found by the Justices as aforesaid, the several Inspectors shall pay the Sum of twelve Pence Current Money, for every Hogshead in this Act mentioned so as aforesaid, by him or them taken in and delivered out, to the said Justices; and the said Justices shall, with all convenient Speed, pay the same to the said Commissioners or Trustees of the Loan-Office, at the City of Annapolis; and shall moreover pay to the said Commissioners or Trustees, for the Time being, all Moneys that shall otherwise be raised from such Warehouse or Warehouses, over and above the Salaries to Inspectors, Rents of Warehouses, and other incident Charges, until such Time as the whole of the principal Money taken out of the said Loan-Office shall be refunded and paid in: And that afterwards the Money that shall

be raised for Rent, or otherwise; that is to say, so much thereof as shall not be applied to defray the Expence of said Warehouse or Warehouses, shall be paid by the several and respective Inspectors to the several and respective Justices, and by the said Justices applied to defray the Charge of their respective Counties. Session Laws

And be it further Enacted, That where any Money shall be taken out of the Loan-Office, by the Justices of any County Court within this Province, for purchasing Land, building any of the Warehouses, and supplying the same with Necessaries, according to the Directions of this Act; and that the Rent, Profit, or Income of such Warehouse or Houses shall not be sufficient to refund and replace the Money so taken out, that in every such Case, the Deficiency shall be satisfied by and out of the public Levy, or Stock, of this Province, and not otherwise. Deficiency in repaying the Money taken out of the Loan Office, to be supplied out of the public Stock

And be it further Enacted, That there shall be kept at every one of the said Warehouses a good and sufficient Beam, Weights, and Scales, to weigh twelve hundred gross Pounds at the least; and a Set of small Weights, the same that are or ought to be provided for the Standard Weights of each County: And the said Justices are hereby required and obliged to purchase the same for each Warehouse; as also Blocks, Tackles, and other Necessaries, out of the Money to be taken out of the Loan-Office as aforesaid; and an Account of the Charges thereof to transmit to the Commissioners or Trustees thereof. Beams, Weights, and Scales to be kept at each Warehouse

And it is further Enacted, That the Commissioners or Trustees for emitting Bills of Credit shall, and they are hereby obliged to pay to the Justices of the several and respective Counties within this Province, such Sum and Sums as they shall respectively require according to the Direction of this Act: And the said Trustees are hereby obliged and directed to keep distinct Accounts with each respective County, charging therein the Sums paid, and to what Justices, and of what County; and when and as often as any Payments shall be made by any of the Counties, such their Accounts shall be credited with such Payment. And moreover, The said Justices are hereby directed and required, once in every Year at the least, to appoint two or more of their Number to view the said Scales, and examine and try the Weights at the several Warehouses by the Standard Weights of the County; and if the same, or the other Necessaries hereby required, shall want repairing, or the Weights be found deficient or differing from the lawful Standard, the said Justices shall cause the same to be repaired and amended, and the Weights made conformable to the Standard, and the Charge of repairing and amending as aforesaid shall be paid by the Inspectors respectively, and be again allowed them in their Account with the said Justices. Commissioners of the Paper Office to pay the Justice such Sums as shall be required

Session Laws p. 23
Ware-
houses,
by whom-
soever
built are to
be let to
Inspectors

And be it further Enacted, That in case the Proprietor or Owner, Guardian, Husband, or Attorney, as aforesaid, shall undertake the Building as aforesaid, and keeping the same in Repair; or in case he, she, or they, will not, and that the same be done by any other Person as aforesaid; that in either of these Cases the Builder or Builders shall be, and are hereby obliged to let the same to the Inspector or Inspectors of such Warehouse, under the Penalty of two hundred Pounds Current Money of this Province, at the Rates following; (that is to say,) The Inspector or Inspectors of said Warehouse shall, and are hereby obliged to pay to the Party building as aforesaid, twelve Pence for every Hogshead of Tobacco that shall be received into such Warehouse, and delivered out of the same inspected, and that annually.

Of Ware-
houses al-
ready built
in Places
appointed

And forasmuch as that at some of the Places before mentioned for Warehouses to be built, there may happen to be a Warehouse or Warehouses already built for the Conveniency of private People, Be it Enacted, That in any such Case, if the Proprietor or Owner will let such House or Houses to the Inspector or Inspectors to be appointed, for a Warehouse at such Place, that then, and in such Case, the Proprietor or Owner of such House or Houses, building a Wharff, and giving Security to keep such House or Houses and Wharff in Repair, and making any Addition to said Building that shall be thought necessary and convenient by the Justices as aforesaid, shall be paid the Rent aforesaid in Manner aforesaid.

Warehouse
Rent Scales
and
Weights,
Inspectors
Salaries,
how to be
provided

And to prevent any Mistakes in the carrying this Act into Execution by the Justices as aforesaid, or any Prejudice that may arise, either to the Commissioners or Trustees for emitting Bills of Credit, established by Act of Assembly, or to any of the Counties within this Province; It is hereby Declared and Enacted, That all such Moneys as shall be taken out of the said Loan Office for the Uses of this Act, shall be paid in again out of the Profits of the respective Warehouses, and according to the Directions of this Act, until the said Office shall be paid the Principal Money so given out to the respective Justices as aforesaid: And that where the Warehouse or Warehouses, Wharffs, Prizes, and Cranes are built and provided by any other Person in this Act mentioned, then the Rent of twelve Pence per Hogshead as aforesaid shall be paid to such Person or Persons so building and providing as aforesaid by the several Inspectors; and the Residue of the seven Shillings per Hogshead, and four Shillings per Hogshead, mentioned in this Act, shall be applied to pay and defray the Charge of the Inspectors Sallaries, and other Expences, such as finding Weights and Scales, and other Necessaries mentioned in this Act, and the keeping them in Repair according to the true Intent and Meaning of this Act. And that for all Matters relating to the Expence of putting this Act in Execution, and the Profits to be raised thereby, the several Inspectors shall annually lay

Annual Ac-
counts of
the Profits
and Loss, to
be delivered
to the
Justices

before the respective Justices fair and distinct Accounts of the Profits and Loss relating to their respective Offices on Oath, or Affirmation if a Quaker; and the Justices aforesaid shall settle and adjust such Accounts; and that if the Profits of said Warehouses shall over and above bear the Expences of this Act, that then the overplus Money shall be applied to defray the Charge of the County.

And be it further Enacted, That where any Warehouses shall be built by the Justices, or other Persons not Proprietors, and shall hereafter happen to be discontinued for fifteen Months, the Proprietor of the Land returning the Price paid for the said Land, shall be from thenceforth seized of his former Estate.

Of Persons
building and
not continu-
ing 15
Months

Provided always, That nothing herein contained shall be construed to give Power to the said Justices to take away the Houses, Orchards, or other immediate Conveniences of any Proprietor of Land, for the Uses or Purposes aforesaid; nor to the said Inspectors to keep any Horses, Cattle, or Hogs, at any the public Warehouses (except in Inclosures), upon the Land appointed for such Warehouses; and if any Swine belonging to the said Inspectors, or any of them, shall be found at large upon the Land appropriated for such Warehouses, or the Lands adjoining thereto, it shall and may be lawful for the Proprietor of the Land, on which the said Warehouses are to be placed, to kill, or cause them to be killed or destroyed. And the said Justices, in their respective Counties, shall, and are hereby declared to have full Power to put in Execution so much of this Act as relates to the erecting and building of public Warehouses, and to regulate all Matters concerning the same; and to direct the building and repairing of Houses, Wharffs, Prizes, Cranes, and other Conveniences, from Time to Time, as to them shall seem necessary and expedient: And in case where the Proprietor, Guardian, Husband, or Attorney, or any other Person (save the Justices), shall build, and shall refuse or neglect to make Repairs, and other necessary Conveniences, such as the said Justices shall direct, it shall and may be lawful for the said Justices, and they are hereby required to have the same done at the Charge of the County; and the Justices of such County shall receive a proportional Part of the twelve Pence per Hogshead, so as aforesaid to be paid for the Rent, for the Use of the County; and if upon Application of the Inspectors to the Justices aforesaid, for building and making other necessary Houses, Wharffs, and Repairs, such Justices shall refuse to do their Duty therein, every Justice so failing or refusing, shall forfeit and pay five Pounds Current Money, to be recovered in the County Court with Costs, by Action of Debt or Information against such refusing Parties severally, in the Name of the respective Inspector or Inspectors, and to be applied to the Use of such Warehouse or Warehouses on which the Refusal shall happen, as aforesaid.

Proviso

p. 24.
Justices to
see the Act
put in Exe-
cution and
direct the
building of
Ware-
houses, &c.

Session Laws
Losses by
Fire in
Warehouses
to be made
good to the
Sufferers

And be it further Enacted, That if any of the Warehouses herein before mentioned shall happen to be burnt, the Loss sustained thereby shall be made good, and repaired to the several Persons injured, by the General Assembly at the next Sessions after such Loss; and in case of such Accident, no Inspectors shall be sued or molested, for or by reason of any Promissary Notes or Receipts, by them given for any Tobacco burnt in the said Warehouse, but shall be altogether acquitted and discharged of and from the Payment of the Tobacco in such Note or Receipts mentioned; any Thing before to the contrary notwithstanding.

County
Clerks to
record the
Proceedings
of the
Justices

And be it further Enacted by the Authority aforesaid, That the Clerk of each County within this Province do and shall provide a well-bound or stitched Book, to have recorded therein all their Proceedings relating to this Act; and that it be the Duty of the Clerk of the County Court, for the Time being, to attend them on all Occasions relating to the Act, and that he be qualified by Oath before some Magistrate, to keep fair and just Entries of the Proceedings of the said Justices, and do all other necessary Services in relation to this Act, that shall be required of him by the Justices aforesaid; for all which Services he shall annually be allowed, out of the Profits arising by Virtue of this Act, a Sum not exceeding seven Pounds Current Money.

Lands men-
tioned in
this Act to
be surveyed

And as it may be necessary for the Justices to have the Lands mentioned in this Act surveyed, butted, and bounded, they are hereby required and directed to employ the Surveyor of the County, or some other skilful Person, to do such Service; for which the Surveyor, or such other Person, shall be allowed for each Warehouse-Land he shall lay out, butt, and bound with one good Post, in the County Levy, the Sum of ten Shillings Current Money.

County
Justices to
determine
all Com-
plaints
against
Inspectors

And for the better detecting of Inspectors who shall not do their Duty, Be it Enacted, That the Justices of the County Court shall hear and determine all Complaints against them; and if they shall find them deficient in their Duty, they shall remove any such Inspector or Inspectors, and their Proceedings shall be in a summary Way; and if they adjudge any Inspector or Inspectors to be removed, the said Justices in such Case shall, with all convenient Speed, notify the same to the Governor or Commander in Chief for the Time being. Provided always, that the Inspector or Inspectors to be complained against, be summoned to appear, and make his or their Defence; but in case he or they will not appear, his Non-appearance shall be taken for a Confession, without some reasonable Excuse be given for the same.

Penalties
on Clandes-
tine Expor-
tation of
bad Tobacco

And, for preventing the clandestine Transportation of bad and unmerchantable Tobacco from this Province into the Colony of Virginia, or the Province of Pennsylvania, or the three Lower Counties on Delaware, called Newcastle, Kent, and Sussex, or the reputed

Limits of the said Province or Counties, as now settled by Inhabitants, or to any other Ports or Places whatsoever, out of this Province; and also for the better preventing the Exportation of Tobacco in Bulk or Parcels; Be it further Enacted by the Authority aforesaid, That no Tobacco whatsoever, of the Growth or Production of this Province, shall, during the Continuance of this Act, be transported or carried either into the said Colony of Virginia, or the Province of Pennsylvania, or the three Lower Counties upon Delaware, called Newcastle, Kent, and Sussex, or the reputed Limits of the said Province, or Counties, as now settled by Inhabitants, or to any other Ports or Places whatsoever out of this Province, either by Land or Water, until the same hath been first viewed, examined, and stamped, at one or other of the Warehouses appointed, or to be appointed, in Pursuance of this Act; nor until due Entry thereof shall be made with the Officers of the Customs, in the District wherein the Owner of the said Tobacco shall reside, and a Permit obtained from them for that Purpose. And if any Person or Persons shall presume to carry or transport, or cause to be carried or transported, any Tobacco not inspected and stamped, or without having obtained such Permit as aforesaid, to the said Colony of Virginia, or the Province of Pennsylvania, or the three Lower Counties upon Delaware, called Newcastle, Kent, and Sussex, or the reputed Limits of the said Province, or Counties, as now settled by Inhabitants, or to any other Ports or Places whatsoever out of this Province, he or they so offending shall forfeit and pay five Pounds for every Hogshead, Cask, or Case of Tobacco, and twenty Shillings for every hundred Pounds of Tobacco in Bulk or Parcel, so transported or carried out, contrary to the Directions of this Act.

And be it further Enacted, That all Sheriffs, Under-Sheriffs, and Constables, who shall be in Office on the first Day of December next, shall, at the first Court to be held for their respective Counties after the said first Day of December, take an Oath, That if they shall at any Time know, or be credibly informed, or have good Reason to suspect, that any Tobacco is pressed or packed in any Cask, Case, Chest, or other Package whatsoever; or any Tobacco is put on board any Boat or Vessel, in order to be shipped off without being inspected; or that any Tobacco is carrying or carried out of this Province, either by Land or Water, into the Colony of Virginia, or the Province of Pennsylvania, or the three Lower Counties on Delaware, called Newcastle, Kent, and Sussex, or the reputed Limits of the said Province, or Counties, as now settled by Inhabitants, or to any other Ports or Places whatsoever out of this Province, without a Permit for so doing; they will forthwith make Information, and a particular Discovery thereof, to the next Justice of the Peace of the County where such Tobacco shall be. And that all Sheriffs and Under-Sheriffs respectively, which shall, after the said first Day of December, be appointed or sworn into the said Offices, shall, at the

Session Laws
p. 25Duty of
Sheriffs,
and Con-
stables, in
suppressing
such Expor-
tation

Session Laws Time of their being sworn, take the same Oath, and obtain a Certificate thereof; and every such Officer failing so to do, shall forfeit five Pounds Current Money to the Informer, to be recovered with Costs, by Action of Debt, or Information, in any Court of Record, within this Province. And every Inspector and Constable shall take the same Oath, or Affirmation if a Quaker, at the first Court held for the County where he resides; or at the same Court, if sworn at the County Court, after he shall be sworn into his Office; under the like Penalty.

**Duty of
Justices in
such Case**

And any Justice of the Peace of any County, near the Place where any Ship, Sloop, Boat, or other Vessel, shall ride, upon Application to him made by any Person suspecting any Tobacco, in Bulk or Parcels, to be on board such Ship, Sloop, Boat, or other Vessel, shall, and is hereby impowered and required to issue his Warrant, directed to the Sheriff, or any Constable of his County: And the Sheriff and Constable shall have full Power and Authority, and is hereby required to enter and go on board such Ship, Sloop, Boat, or other Vessel, to search for and seize such Tobacco; and the same being seized, shall be brought on shore, and carried before the same, or any other Justice, who shall cause the same to be immediately weighed; and if trashy or bad, immediately burnt; if good, carried to the Inspecting House, there to be inspected and sold for the Use of the County. And if any Master, or commanding Officer, of any Ship or Vessel, or the Skipper of any Sloop, Boat, or other Vessel, or any other Person whatsoever, shall resist the Officer in the Execution of any such Warrant, every such Master or commanding Officer shall forfeit and pay fifty Pounds; and every such Skipper, Sailor, or other Person, so resisting, shall forfeit and pay ten Pounds. And if any Action shall be brought against any Justice of the Peace, Sheriff, Under-Sheriff, or Constable, or other Officer appointed by this Act for doing any thing in execution of this Act, the Defendant may plead the General Issue, and give this Act in Evidence: And if the Plaintiff shall be Nonsuit, or a Judgment pass against him upon a Verdict, or Demurrer, the Defendant shall recover double Costs.

No Inspector to be capable of being a Member of the House of Delegates, or Collector of Quit Rents, or County Levies; nor to buy, or barter for Tobacco

And be it further Enacted by the Authority aforesaid, That no Person taking upon him the Office of an Inspector, shall, during his Continuance in that Office, or within two Years after he shall be out of his said Office, be capable of being elected a Member of the House of Delegates, or shall presume to intermeddle, or concern himself with any Election of a Delegate, or Delegates, otherwise than by giving his Vote, or shall endeavour to influence any Person or Persons to give his or their Vote, under the Penalty of fifty Pounds, for every Offence. Neither shall any Inspector, during the Time aforesaid, be, or undertake to be, Collector of his Lordship's Quit-Rents, or of any Public, County, or Parish Levies, or of any Officers Fees; nor shall, directly or indirectly, for himself,

or any other Person, buy or receive by way of Barter, Loan, or Exchange, any Tobacco whatsoever, under the Penalty of forfeiting thirty Shillings for every hundred Pounds of Tobacco so bought or received, and so proportionally for a less Quantity.

Provided always, That nothing herein contained shall be construed to hinder any Inspector from receiving his own proper Debts or Rents in Tobacco, which shall be first viewed, examined, and stamped, according to the Directions of this Act.

And, for the further and better Direction of the Inspectors aforesaid in their Duty, Be it Enacted, That no Inspector shall take, accept, or receive, directly or indirectly, any Gratuity, Fee, or Reward, for any Thing by him to be done in Pursuance of this Act, other than his Salary, and the other Payments and Allowances herein before mentioned and expressed. And if any Inspector shall take, accept, or receive any such Gratuity, Fee, or Reward, every such Inspector, being thereof convicted, shall forfeit and pay fifty Pounds Current Money; to be recovered with Costs, by any Person or Persons who shall inform, or sue for the same, by Action of Debt, Bill, Complaint, or Information, in any Court of Record within this Province: And moreover shall be disabled from holding the Place or Office of an Inspector, or any other Office, during the Continuance of this Act. And if any Person or Persons shall offer any Bribe, Reward, or Gratuity, to any Inspector, for any Thing by him to be done in Pursuance of this Act, other than the Fees and Allowances herein before mentioned and appointed; every Person so offending, and being thereof convicted, shall, for every such Offence, forfeit and pay the Sum of ten Pounds Current Money, to be recovered, in any Court of Record within this Province; to the Uses in this Act hereafter mentioned.

And be it further Enacted, That when any Person shall be intitled to receive a Hogshead of Tobacco, by Virtue of any Inspectors Notes or Receipts, the Inspectors shall be obliged to open the Hogshead, and shew such Tobacco to the Person demanding the same, if required, whether such Tobacco be Crop or Transfer: And if such Person shall refuse to accept of the Tobacco offered or tendered in Payment, as bad, unsound, and unmerchantable; such Person so refusing, and not accepting thereof, shall make immediate Application to any three Justices, near, or nearest to the Warehouse at which the Tobacco so refused shall be offered or tendered in Payment; who are no ways related to the Parties, nor concerned in Interest; and the said Justices shall take an Oath before some Justice of the said County (which Oath such Justice is hereby impowered and required to administer), carefully to view and examine the said Tobacco, and to the best of their Skill and Judgment, not to pass any Tobacco that is not sound, well-conditioned, merchantable, and clear of Trash, according to the Directions of this Act; and that they will therein do their Duty, according to their Judgment and

Session Laws

Proviso

Inspectors not to accept of any Fee, or Reward

Penalty

No Person to offer any Bribe or Reward

Penalty

Disputes Concerning the Quality of Tobacco demanded of Inspectors to be decided by 3 County Justices

Session Laws Conscience, without Fear, Favour, Affection, Malice, or Partiality:

p. 27 Which said three Justices, so sworn, are hereby directed, impowered, and required, upon such Application, to repair to the Warehouse where such Tobacco shall be offered or tendered in Payment, and carefully to view and examine the same, in such Manner as they shall think fit: And if any two of them shall adjudge the Tobacco so tendered in Payment, to be bad, unsound, or unmerchantable, to cause the same to be immediately burnt. And for their Trouble, the said three Justices, who shall be present at such View, shall be paid by the Inspector or Inspectors, who offered the same in Payment, five Shillings each. And if the said Justices, or any two of them, shall adjudge the Tobacco, so tendered or offered in Payment, to be good, sound, and merchantable, according to the Directions of this Act, the said Justices so attending, shall be paid by the Party desiring such View five Shillings as aforesaid. And when any Tobacco shall be tendered or offered in Payment by any Inspector, and refused, the said Inspectors shall not be at Liberty to tender or offer in Payment, nor the Person demanding the same to receive, any Tobacco in lieu thereof, before such Tobacco shall have been viewed as aforesaid; but the Person refusing shall immediately mark the same. And if any Inspector shall offer or tender in Payment any Tobacco, in lieu of the Tobacco so refused, before the same shall have been viewed as aforesaid, or shall not produce the same Tobacco so refused, to the said Justices, in either Case, it shall be taken for a Conviction, that the Tobacco first tendered in Payment, was bad, unsound, and unmerchantable: And moreover, the said Inspectors shall forfeit and pay ten Pounds for every such Offence. And if the Person, who shall refuse any Hogshead of Tobacco as aforesaid, shall accept and receive another Hogshead of Tobacco, in lieu of that refused, before such Hogshead so refused shall be viewed as aforesaid, he shall forfeit and pay ten Pounds for every Hogshead.

What is to
be done by
the Owner
of Tobacco
refused to
be passed by
the Inspectors,
&c.

And when any prized Tobacco shall be brought to any public Warehouse, in order to be shipped on Freight, and the Inspectors there attending shall refuse to pass such Tobacco, unless such as shall be bad and unmerchantable be picked and separated from the rest; in such Case, the said Inspectors shall permit the Owner, or other Person bringing such Tobacco, to make use of one or more of their Prizes, for the repacking and prizing such Tobacco. And if there shall be several Hogsheads of Tobacco, belonging to several Owners, to be picked, repacked, and prized, at any public Warehouse, the Owner, or other Person bringing the same, whose Tobacco shall be first viewed and refused, shall be first permitted and allowed to make use of such Prize or Prizes; and the same Rule shall be observed in the prizing all Tobacco which shall be picked, repacked, and prized as aforesaid. And for all Tobacco repacked, and prized, by the Owner thereof, or the Servants and Slaves to him belonging, there

shall be paid to the Inspectors thereof, only four Shillings, for Session Laws stamping; and for all Tobacco repacked and prized by the Inspectors, seven Shillings for each Hogshead; and also six Pence for Nails, unless the Proprietor shall find and provide Nails. And no Inspector shall take or convert to his own Use, or otherwise dispose of, any Draughts or Samples of Freight or Crop Tobacco; but the same (if fit to pass) shall be put into the Hogshead out of which it was drawn, under the Penalty of forfeiting twenty Shillings for every Draught so taken away, contrary to the Directions of this Act: To be recovered before any Justice of the Peace of the County wherein such Offence shall be committed. And all Inspectors, if required, shall alter the Mark of any Hogshead of Tobacco, for which they have before given a Receipt; and for preventing Confusion and Mistakes, shall keep a Waste-Book, in which shall be entered the Marks and Numbers of all Hogsheads of Tobacco received by them; and another Book, in which shall be entered the Marks and Numbers thereof, when the same shall be delivered out by them. And all Inspectors, when required, shall be obliged to prize any Hogshead of Crop Tobacco, under nine hundred and fifty Pounds nett, so as to make it up that Weight; but shall receive the same Fee upon such Hogshead, as for Transfer Tobacco, and may make the lawful Abatements for the Tobacco prized in. And where any Tobacco shall be brought to any Warehouse, by the Overseer of the Owner thereof, the Inspectors shall give Notes and Receipts in the Name of the Owner, and not of the Overseer. p. 28

And be it further Enacted by the Authority aforesaid, That any Light Hogshead or Parcel of Tobacco, after the same shall be passed at any public Warehouse, and not stamped, shall and may be delivered out by the Inspectors to the Owner of their Notes; and such Tobacco may be carried away, for the better sorting and stemming the same; provided the Person receiving such Tobacco shall pay for the Inspection thereof, after the Rate of seven Shillings for every nine hundred and fifty Pounds Weight, and so in proportion for a greater or lesser Quantity: And that such Tobacco shall not be shipped off, until it shall be again inspected, passed, and stamped; for which the Inspectors shall again receive the established Fees, under the same Penalties as are herein before inflicted, for shipping off, and taking on board on any Ship or other Vessel, Tobacco not inspected, viewed, and stamped, according to the Directions of this Act. Light Hogsheads of Tobacco not stamped may be delivered by Owners of their Notes; but not shipped

And be it further Enacted, That the Owner of any Transfer Notes may at any time receive and mark Hogsheads of Tobacco for satisfying such Notes, and the Inspectors shall take in their former Notes, and deliver Crop Notes and Receipts for such Hogsheads, and shall be answerable for the safe keeping thereof, in the same Manner as they are for Crop Tobacco. But the Person receiving such Hogsheads shall pay to the Inspectors seven Shillings and six Pence for Transfer Tobacco to be sold yearly by Auction

Session Laws the Inspection and Nails, for every Hogshead; that is to say, three Shillings down, and four Shillings and six Pence when the Tobacco shall be delivered out. And the Inspectors shall sell all Transfer Tobacco, which shall not be so received and marked, on the second or third Day of holding the Court of their respective Counties, in the Month of November, yearly, by public Auction, in their County Courts respectively held in that Month; and shall pay the Money arising by such Sale, in Satisfaction of their Notes, from time to time, to the Proprietors thereof making their Demand; under the same Penalty as is inflicted, for not paying Inspectors Notes.

Frauds in selling only Part of the Transfer Tobacco, how prevented And for preventing Frauds that may be practised, by selling only Part of such Tobacco not received as aforesaid, Be it Enacted, That all Inspectors shall, in ten Days before November Court in each respective County, yearly lodge with the respective County Clerks where they shall officiate, an Account upon Oath, of all the Transfer Tobacco at that Time in their Hands, before the same shall be exposed to Sale: And all Inspectors shall keep a just and true Account of the Tobacco gained or saved, upon the Allowances made for Cask or Shrinkage of Transfer Tobacco; and if any Tobacco shall be so gained or saved, shall exhibit an Account thereof upon Oath, or Affirmation if a Quaker, in the same Manner as is before directed, concerning Transfer Tobacco not received; and shall also sell the Tobacco so gained and saved, in the same Manner as is before directed for the Sale of Transfer Tobacco, and shall account for the Money arising by such Sale to the Justices aforesaid; and no Inspector shall convert any Tobacco so gained or saved, to his own Use.

Inspectors Salaries, Warehouse-Rents, &c. how to be paid And be it further Enacted by the Authority aforesaid, That all Inspectors shall annually, in November Court, after the Sale of the Transfer Tobacco, and one Day before the laying of the County Levy, account with the Justices of the respective Counties upon Oath, or Affirmation if a Quaker, for all Moneys received, or which ought to be received, by them, by Virtue of this Act (except the Money paid for Nails), for every Hogshead of Transfer: In which Account they shall be allowed their Salaries, the Rent for Warehouses, and other necessary Disbursements, in Pursuance of this Act.

Proviso Provided always, and it is the true Intent and Meaning of this Act, that nothing therein contained shall affect such Tobacco as shall be made at any Time before the first Day of December, One thousand seven hundred and forty-seven, but that the same may be shipp'd or otherwise disposed of, as the Proprietor thereof shall think proper, Oath, or Affirmation if a Quaker, being made by the Proprietor of such old Tobacco, or Overseer, or other credible Person, that the same was made before the said first Day of December, One thousand seven hundred and forty-seven; which Oath, or Affirmation, may be made before any one Justice of the Peace, and
p. 29 such Justice giving Certificate of the Mark and Number of the Hogshead, or Hogsheads, of such old Tobacco, the same may be taken on

board any Ship or Vessel for Transportation, notwithstanding any thing in this Act contained; yet the Proprietor of such old Tobacco may, if he thinks fit, have the same old Tobacco inspected, or subjected to Inspection, as this Act directs; and in such case he shall have and receive all Benefits and Advantages arising to the Owner of inspected Tobacco, in Manner before-mentioned.

And whereas it is apprehended that some Creditors, in view of eluding any Provision that would be made, for an Abatement or Deduction of Tobacco-Debts, in Consideration of an Inspection Law, have exacted, or may exact Security from their Debtors to pay Money instead of Tobacco; which would deprive such Debtors of great Part of the Advantages of such a Law: Be it therefore Enacted by the Authority, Advice, and Consent aforesaid, That all Judgments, Bonds, Bills, Mortgages, Bills of Exchange, Notes, or other Securities of any Kind, for the Payment of Money instead of Tobacco, which have been, or shall be taken, in order to elude the Provision made by this Act for the Abatement and Deduction of Tobacco-Debts, by any Person or Persons whatsoever, to his, her, or their own Use, or to the Use or in trust for any other Person or Persons, since the fifteenth Day of May, in this present Year, or which shall be taken before this Act takes Place or Effect, shall be void and of none Effect.

Creditors not to exact Bonds, or other Securities of their Debtors to evade the Deduction specified in this Act

And be it further Enacted, That if any Judgment hath been rendered or shall be rendered, and that any Execution hath been or shall be issued, that the Party may sue an Audita Querela; and if any Person or Persons shall be sued on any such Bond, Bill, Mortgage, Bill of Exchange, Note, or other Security, taken in order to elude the Provision made by this Act as aforesaid, That the Defendant or Defendants may plead that he, she, or they, doth or do not owe the Money sued for, and give the special Matter in Evidence; and if it shall appear to the Court or Jury, who shall try the Fact, that the Bond, Bill, Mortgage, Bill of Exchange, Note, or other Security, upon which the Suit shall be commenced, was given for Money, in lieu or stead of Tobacco, in order to elude the Provision made by this Act as aforesaid, that the Plaintiff shall be Nonsuit, and pay the Defendant's Cost.

Bonds, &c. so given, not recoverable by Law

And to the end that no Defendant may be injured by the Difficulty of proving the Fact, Be it Enacted, That it shall and may be lawful for the Court, wherein any such Judgment hath been or shall be entered, or wherein any such Action shall be commenced, to examine and interrogate the Plaintiff or Plaintiffs, upon his or their Oath, or Affirmation in case a Quaker or Quakers is or are concerned, for what Consideration such Judgment, Bond, Bill, Mortgage, Bill of Exchange, Note, or other Security, was passed; and if it shall appear, upon such Examination, that the same was given or passed for Money, in stead and lieu of Tobacco, as already men-

Plaintiffs, in such Case, to be examined upon Oath

SessionLaws tioned, that then and in such case, the Plaintiff or Plaintiffs shall be Nonsuit, and pay the Defendant's Cost; and that in case any Plaintiff or Plaintiffs shall refuse to submit to such Examination, such Refusal shall be deemed and taken to be a Confession or Proof of the Fact.

Punishment of a false Oath And be it likewise Enacted, That if any Plaintiff, in any such Case, shall knowingly swear, or affirm, falsely, and be thereof convict, he, she, or they, shall suffer, as in Case of wilful and corrupt Perjury.

Proviso Provided always, and it is the true Intent and Meaning of this Act, that nothing therein contained shall extend, or be construed to extend, to vacate or abolish any Contract, Bargain, or Agreement, made for the Payment of Tobacco in Specie, before the said fifteenth Day of May; but that such Bargain, Contract, or Agreement, shall be and remain in Force and Effect; any thing in this Act contained to the contrary notwithstanding.

Bonds, &c. taken for Money in lieu of Tobacco between May 15, 1747, and the Commencement of this Act, to be void p. 30 And be it further Enacted, That all Bonds (with Power of Attorney to confess Judgment) taken for Money in lieu of Tobacco, from the fifteenth Day of May, Seventeen hundred and forty-seven, to the Commencement of this Act, shall be, and are hereby made void and of no Effect; and it shall not be lawful for any Justices of any Court within this Province, to render or give Judgment on such Bonds, by Virtue of such Power of Attorney; and no Clerk or Clerks of any Court or Courts within this Province, shall issue or make out any Execution upon such Judgment: And that during the Continuance of this Act, no Judgments shall be entered on any Judgment-Bonds, for Money, to be taken after the End of this Session of Assembly, until the Court, Judge, or Justice, before whom a Judgment is or shall be offered to be entered up be satisfied that the Defendant or Defendants is or are actually run away; nor even then, unless the Plaintiff, or his Attorney in Fact, or one acquainted with the Transaction, makes Oath that the Bond was not passed for a Tobacco-Debt, contrary to the true Intent and Meaning of this Act.

Deduction in Debts now due if paid in inspected Tobacco And be it further Enacted, That all Debtors now owing Tobacco, their Executors and Administrators, shall, if they pay their Tobacco-Debts now due in inspected Tobacco at Warehouses, in Pursuance of this Act, be allowed by their several and respective Creditors, their Executors or Administrators, a Deduction of one fourth Part of their said Debts or Demands.

Of Debts due to Traders And forasmuch as several, or most, of the Traders within this Province keep their Books in Money, tho' in truth their Dealings have been for Tobacco, and that the Intention both of Creditor and Debitor hath been, that the Payment should be made in Tobacco: Be it therefore Enacted, That in all such Cases the Creditor shall be paid in Tobacco, at the general Rates such Creditor dealt, at the time such Contract was made: And according to the true Intent

and Meaning of this Act, deducting from such Debts one fourth Session Laws
Part of the Demands as aforesaid, in case the Creditor be paid in
inspected Tobacco.

And whereas, the Time limited for superseding Executions is now Time
limited for
superseding
Executions
to the tenth Day of February, and that it cannot be expected that
the Warehouses directed by this Act can be built, so as to receive
Tobacco; nor that Debtors can have their Tobacco ready to be in-
spected by that Time; for the first Year this Act takes place: Be it
therefore Enacted, That where any Judgment or Judgments shall
be for Tobacco, and shall be superseded after the tenth Day of May,
One thousand seven hundred and forty-eight, no Execution or
Executions shall issue on any such Judgment or Judgments 'til after
the first Day of May, One thousand seven hundred and forty-nine.

And whereas, by the Difficulties attending our Trade, occasioned Encourage-
ment for
cultivating
and manu-
facturing
Flax and
Hemp
through Means of War, our own Export to, as well as the Importa-
tion of European Goods from, our Mother Country Great-Britain,
has of late been greatly impeded, whereby the Wants and Necessi-
ties of many People have put them on sowing Flax and Hemp, and
manufacturing the same, as well as raising other Materials for
supplying their Need: And whereas, the excessive Quantity of To-
bacco made, may in some measure depreciate that Branch of Trade:
In order, therefore, to encourage the laudable End of manufacturing
Hemp, Flax, and other proper Materials for the necessary Cloathing
and Use of his Majesty's Subjects within this Province, and to
divert Part of the People from labouring in Tobacco, Be it Enacted
by the Authority, Advice, and Consent aforesaid, That from and
after the End of this Session of Assembly, it shall and may be law-
ful for any Person or Persons, not making Tobacco by themselves,
Servants, or Slaves, within this Province, to pay, at or before the
tenth Day of April, yearly, or as the Business or Services they may
want in any of the Offices shall be done during the Continuance of
this Act, as well the Poll-Tax due to the Clergy, as all Lawyers and
Officers Fees, and Assessments for building or repairing Churches,
in the Current Money of this Province, rating Tobacco at twelve
Shillings and six Pence Current Money per hundred Pounds, and
so in Proportion for a greater or lesser Quantity; and that such
Payment, or Tender thereof and Refusal, shall be a full Satisfaction
and Discharge for the same, tho' charged in Tobacco; any Law,
Statute, Usage, or Custom, or any Thing in this Act contained to
the contrary thereof, in any wise notwithstanding.

Provided always, That every Person or Persons allowed by this Proviso
p. 31
Penalties
and For-
feitures in
this Act,
how to be
recovered
and dis-
posed of
Act to pay Money instead of Tobacco due as aforesaid, shall make
Oath, or Affirmation if a Quaker, That he doth not, by himself or
Children, Servants, or Slaves, make any Tobacco for Sale.

And be it further Enacted, by the Authority aforesaid, That all
the Penalties and Forfeitures in this Act mentioned, and not herein

SessionLaws before particularly appropriated, shall be recovered in the Name of the Right Honourable the Lord Proprietary, one Moiety thereof to be particularly applied towards defraying the Charge of the County where the Offence shall be committed, and the other half to the Person that will inform or sue for the same; and where the Penalty or Forfeiture exceeds fifty Shillings Current Money, or six hundred Pounds of Tobacco, the same to be recovered in any Court of Record; and where the Penalty or Forfeiture does not exceed the aforesaid Sums, to be recovered before a single Magistrate, as in the Case of small Debts: Provided always, That such Prosecutions be commenced within one Year after the Offence committed.

Officers Fees in inspected Tobacco And be it further Enacted by the Authority aforesaid, That no Officer or Officers hereafter mentioned in this present Act, their Ministers, Servants, or Deputies, by Reason or Colour of his or their Office or Offices, shall have, receive, or take, of any Person or Persons, directly or indirectly, any other or greater Fees, which shall arise or become due after the last Day of November next, than by this Act are hereafter limited, and allowed to the several Officers hereafter mentioned; provided the said several Fees shall be paid in inspected Tobacco, or Money, where Money is to be paid by the Directions of this Act: That is to say;

To the Chancellor, or Keeper of the Great Seal.

	lb. Tobacco		lb. Tobacco
Fees to the Chancellor or Keeper of the Great Seal		The Seal to an Exemplification of Land, the same with the Patent or Grant.	
For the Seal of an Original Writ.	4	The Chancellor's Hand to a Writ of Covenant.	180
The Seal of a Recordari.	9	A Seal to a Mandamus,	90
The Seal of a Subpoena ad respondendum, with three Names, or under,	12	A Seal to a Melius inquirendum,	90
The Seal to a Proclamation of Rebellion,	270	The Seal of a Commission of a County or Provincial-Court, with a Dedimus potestatem to swear the Justices,	500
The Seal of a Commission of Rebellion,	270	Seal of a Supersedeas, to a Commission of Rebellion or Supplicavit,	180
The Seal of a Grant, or Patent, of Land, for 500 Acres or under,	90	The Seal of a Sheriff's Patent for his Office,	360
The Seal of every Patent, or Grant, for any Quantity above 500 Acres, for every 100,	9	Seal of a Posse Comitatus,	90
Seal of a Decree in Chancery, if required,	320	Seal of a Writ of Discharge (if any),	90
Seal of an Injunction in Chancery,	180	Seal of a Patent of Denization,	320
Seal of an Audita Querela,	90	Seal of Ne exeat Provinciam,	90
Seal to Execution of a Decree in Chancery,	120	Seal of a Writ of Error from any County Court,	09
Seal of a Writ of Covenant for passing Fine,	12	Seal of a Scire facias thereupon,	90
Seal of a Commission to take Acknowledgement,	90	Seal of Supersedeas thereupon,	90
The Chancellor's Hand to a Writ of Assize,	180	Seal of every other Matter or Thing that shall pass the Great Seal, and not herein contained, each,	90
The Seal to a Writ of Error, to the Governor and Council, as a Court of Appeals,	180		
Seal to a Scire facias thereupon,	180		
Seal to a Supersedeas thereupon,	180		
Seal to a Certiorari,	180		

Secretary's Fees.

Secretary's Fees	A Recordari,	lb.	6	2	5ths	If the Matter entered upon Record exceed half a side, then per side as before,	7	1	5th
	A Subpoena ad Respondendum, with three Names, and Return		12	4	5ths	Copying the same per side, with recording,	7	1	5th
	Every Name more than three,		2	2	5ths	Any Warrant or License against or to more than one, not under Seal, each,	7	3	5ths
	An Attachment of Contempt,		8	4	5ths	Any Warrant or License against or to one Person only, not under the Seal,	7	3	5ths
	A Proclamation of Rebellion,		64						
	A Commission of Rebellion,		64						
	An Injunction,		38	2	5ths				
	A Writ of Sequestration per side,		7	1	5th				
	An Audita Querela,		87	1	5th				
	Filing every Bill in Chancery,		19	1	5th				

Every Court the same shall continue,	19	1	5th	Any other Pass or Discharge not under the Seal,	7	3	5ths	p. 32
Filing every Answer in Chancery,	17	1	5th	Search of a Record, the first Year nothing,				
Every Oath to the same,	5	3	5ths	Every Search afterwards, be the Time of what Length soever,	15			
Filing every Return of Commission and Depositions, per side,	7	1	5th	Writing a Sheriff's Commission Bond, and recording it,	153	3	5ths	
A Writ of Ad quod damnum, per side,	7	1	5th	Writ of Posse Comitatus,	76	4	5ths	
Passing Decree,	26	4	5ths	A Writ of Discharge, if any,	76	4	5ths	
Every Motion in Court, and Order,	12	4	5ths	Writing and recording a Commission and Dedimus Potestatem, for every County Court,	211	1	5th	
A Ne exeat Provinciam,	64			Every common Writ and Return,	12	4	5ths	
A Writ of Enquiry of Damages, per side,	7	1	5th	Every Subpoena and Return,	20	2	5ths	
A Commission to take Acknowledgement,	64			Filing and recording every Declaration, per Side, accounting fifteen Lines to a side, and seven Words to a Line,	7	1	5th	
A Writ of Covenant to pass a Fine,	8	4	5ths	A Copy of the same at the same Rate, not to be charged, unless required and delivered, per side,	7	1	5th	
A Writ of Assize,	51	1	5th	Allowance of a Writ of Error, Every Indictment after the first Name,	11	3	5ths	
A Writ of Melius inquirendum, or monstraverunt,	64			Rule of Tryal,	10	4	5ths	
Drawing any Instrument that passeth the Seal, if it exceed one side, computing seven Words to a Line, and fifteen Lines to a side; and so pro rato,	7	1	5th	Recording the Verdict,	7	1	5th	
Every Appearance entered, Entry of an Imparance,	5	3	5ths	Entering Conviction and signing Judgment,	4	2	5ths	
A Continuance, or Reference, Filing Plea, if not special,	4	2	5ths	A Writ of Execution thereupon,	25	3	5ths	
Special Plea, per side, as before, Making up the Issue,	7	1	5th	A Writ of Withernam,	36			
Rule to plead, or for Tryal,	20	2	5ths	A Writ of Estrepment,	25	3	5ths	
A Venire facias for Jurors,	4	4	5ths	Scire facias on a Judgment per side,	25	3	5ths	
A Copy of the Pannel,	4	2	5ths	Scire facias against special Bail per side,	7	1	5th	
Entering Pannel,	4	2	5ths	A Scire facias against Security for Cost, on a Recognizance, per side,	7	1	5th	
Every Verdict,	25	3	5ths	Swearing every Jury,	46			
Entering and signing Judgment, A Copy of the Judgment,	16			Swearing every Bailiff,	4			
A Transcript of the whole Proceedings per side, as before, Filing a Bill of Cost,	7	1	5th	Every other Oath in Court,	4			
A Copy thereof, if demanded and deliver'd,	7	3	5ths	Duces Tecum per side, as before, Affixing the Seal of the Court to the Copy of any Instrument, or to a Transcript of any Judgment, or any Record, or Certificate,	7	1	5th	
Every Execution and Return, Filing and recording every Demurrer, per side,	15	1	5th	Taking Security on Condemnation on Attachments,	12	4	5ths	
Habere facias Possessionem,	7	1	5th	A Writ of Rerestitution per side,	6	2	5ths	
A Replevin,	16	4	5ths	Entering every Action agreed,	7	1	5th	
A Procedendo,	16	4	5ths	A Commission to examine Evidences per side,	2	2	5ths	
A Writ of Restitution,	16	4	5ths	A Scire facias on a Certiorari, per side,	7	1	5th	
Drawing Dedimus Potestatem, to examine Evidences,	32			A Scire facias on Audita Querela, per side,	7	1	5th	
A Habeas Corpus,	22	2	5ths	An attachment on Non-compliance with the common Rule in Ejectment, per side,	7	1	5th	
An Elegit,	22	2	5ths	A Provincial Commission, and Dedimus Potestatem, per side,	7	1	5th	
A Commission of Re-survey,	32			A Summons in Partition per side,	7	1	5th	
A Certiorari,	32			A Writ of Partition per side,	7	1	5th	
A Commission to Audite,	32			An Attachment in Partition per side,	7	1	5th	
A Writ of Diminution,	16	4	5ths	A Habere facias Seisinam per side,	7	1	5th	
A Writ of Error to the County Court,	57	3	5ths	A Returno habendo per side,	7	1	5th	
A Scire facias thereupon,	16	4	5ths	A Writ of Distringas per side,	7	1	5th	
A Supersedeas thereupon,	16	4	5ths	A Commission of Oyer and Terminer per side,	7	1	5th	
Entering an Acknowledgement of Land in Court,	5	3	5ths	A Commission of Goal-Delivery per side,	7	1	5th	
Recording a Conveyance per side, as before,	7	1	5th	A Dedimus Potestatem to swear the Judges of Assize, or Sheriff, per side,	7	1	5th	
Filing every Recognizance in Court,	12	4	5ths	A Writ of Publication to the Laws,	12	4	5ths	
Appearance to every Recognizance, Every special Bail,	7	3	5ths	Drawing a Protest, and recording it, if not a special one,	102	2	5ths	
An Attachment and Scire facias, Discharging every Recognizance,	26	4	5ths	Drawing any other Matter, as public Notary, attested under the Seal,	32			
A Copy of every Recognizance, Every Venire facias, or Warrant to apprehend a Criminal,	12	4	5ths	If such Matter exceed one side, then per side,	7	1	5th	
Appearance to every Indictment or verdict,	16	4	5ths	Drawing every special Protest per side,	7	1	5th	
Every Respit and Continuance, Every Order in criminal Cases, Every Indictment per side, as before,	7	3	5ths	And for every other Service not herein mentioned, per side, and so pro rato,	7	1	5th	
A Copy of every Indictment per side,	7	1	5th					
Filing Plea to the same,	8	2	5ths					
Confession to every Indictment, For recording the same per side, as before,	7	3	5ths					
Entering any other Matter upon Record, if it exceed not half a side,	7	1	5th					
	3	3	5ths					

Session Laws

Commissary-General's Fees.

Commissary General's Fees	For every Entry of Demand for Administration, or Probat of Wills,	2	2	5ths	Filing Interrogatories,	19	1	5th
	For every Order in Testamentary Causes,	7	3	5ths	Every common Citation,	9	3	5ths
	For every Letter of Administration, or Letters Testamentary	54	2	5ths	Every special Citation, per side,	7	1	5th
	For every Bond,	25	3	5ths	Every Attachment,	25	3	5ths
	For every Oath,	7	3	5ths	Attachment on Decree per side,	7	1	5th
	For a Warrant to Appraisers,	12	4	5ths	Subpœna for Costs,	10	2	5ths
	For a Warrant to swear them,	12	4	5ths	Every Appearance,	7	3	5ths
	Every Commission to prove a Will, or pass Account, or take Administration,	54	2	5ths	Entry of every Return,	4		
	Dedimus Potestatem to take an Answer, per side,	7	1	5th	Quietus est,			nothing.
	For recording Wills, Inventories, Accounts, or any other Matter, or copying the same out of the Commissary's Office; per side, computing seven Words to a Line, and fifteen Lines to a side,	7	1	5th	For a Continuance or Reference, for a search of a Record the first Year,	4		nothing.
	Filing Costs,	7	3	5ths	Every search afterwards, be the Time of what Length soever,	15		
	Copy Costs,	7	3	5ths	Exemplification of Letters Testamentary or Administration under Seal,	38	2	5ths
	Recording definitive Sentence per side,	7	1	5th	Commission or Proclamation of Rebellion,	64		
	Executing definitive Sentence per side,	7	1	5th	Commission to examine Evidences, and Commission to Auditors,	25	3	5ths
	Drawing definitive Sentence per side,	7	1	5th	Scire facias,	25	3	5ths
	Seal to definitive Sentence,	224			Duces Tecum,	32		
	Seal to Execution of definitive Sentence,	112			Every Motion in Court,	5	3	5ths
	Filing every Libel, Answer, Replication, Petition, &c.	19	1	5th	If above one side, after the Rate of, per side,	7	1	5th
	Copy of every Libel, Answer, Replication, or Rejoinder, per side,	7	1	5th	For transmitting Ballance and Order,	11	3	5ths
	Drawing Depositions of Witnesses per side,	7	1	5th	For transmitting Sureties Names and Order,	11	3	5ths
					For transmitting Distribution and Order per side,	7	1	5th
					Entry of Prayer for Appeal,	4		
					Letters De Bonis non per side,	7	1	5th
					And for every other Service not herein mentioned, per side; and so pro Rato,	7	1	5th

To the Judge or Register of the Land-Office.

P. 33 Fees to the Judge or Register of the Land Office	For a common Warrant and Entry,	33			For every Deed or Assignment, For Hearing, and Sentence thereon,	24		
	For renewing the same, and Entry,	33			For searching any Matter or Thing, the first Year	75		nothing
	For recording Certificates per side, computing 105 Words to a side,	9			For all searches above one Year, the Time of what Length soever,	15		
	For making out a Grant,	90			For all Copies per side, computed as before,	9		
	For recording the same,	67	2	4ths	For every other Service not herein mentioned, per side, and so pro rato,	9		
	For every Petition, and Order thereon,	150						
	For a special Warrant, including Petition and Order thereon,	375						
	For renewing every special Warrant,	75						

To the Clerks of the County Courts.

Fees to County Clerks	A Writ and Return,	9			For all searches above one Year, be the Time of what Length soever,	10		
	Every Declaration, if a side, and so pro rato,	4	2	4ths	Every Scire facias at, per side, and so pro rato,	4	2	4ths
	A Copy of the same if demanded, as before,	3	3	4ths	Attachment and Scire facias,	18		
	Entering every Appearance,	2	1	4th	Short Copy Judgment,	9		
	Every Imparlance,	3			Habeas Corpus,	8	1	4th
	Filing every Plea and Demurrer, if not a special one,	3			Elegit,	8	1	4th
	If a side, or more, pro rato; if a Copy delivered, pro rato.				Taking and recording Bonds for Orphans Estates,	16	2	4ths
	Entering any Matter upon Record, if half a side,	2	1	4th	Duces Tecum,	8	1	4th
	If more, then pro rato as before.	6			Taking Security on Condemnation,	3	3	4ths
	A Subpœna,	6			Entering Action agreed,	2	1	4th
	Rule to plead, or Tryal,	2	1	4th	Commission to examine Evidences at, per side, and so pro rato	4	2	4ths
	For making up the Issue,	6						
	A Copy, if delivered,	6			Criminal Fees.			
	Entering Judgment,	9			For taking every Recognizance,	8	1	4th
	Signing Judgment,	5	1	4th	Discharging of Recognizance,	8	1	4th
	A Venire-facias for a Jury,	6	3	4ths	A Venire facias, or Warrant,	9		
	Entering the Pannel,	2	1	4th	For every Appearance,	5	1	4th

Filing Bill of Cost,	5	1	4th	Every Respit and Continuance,	5	1	4th	Session Laws
Copy of the same,	5	1	4th	For every Order,	4	2	4ths	
Execution and Return,	9			A Copy of Recognizance,	7	2	4ths	
For special Bail,	3	3	4ths	For every Indictment, per side,	4	2	4ths	
A Writ of Enquiry of Damages,				A Copy of the Panel,	2	1	4th	
at per side, and so pro rato,	4	2	4ths	For recording the Verdict and				
For entering an Appeal,	4	2	4ths	Appearance thereto,	9			
A Return of a Certiorari, and				Entering the Judgment,	14	1	4th	
Copy of the Record, per side,	4	2	4ths	Execution of the Judgment,	12	3	4ths	
Entering a Writ of Error,	4	2	4ths	A Copy of Indictment per side,	4	2	4ths	
Every Oath,	3			Filing a Plea,	5	1	4th	
Proving a Deed or Writing,	4	2	4ths	Confession of Indictment,	5	1	4th	
A Copy of the same, if required,				Chancery Proceedings in County			Courts.	
per side,	4	2	4ths	Entering Motion and Order,	4	2	4ths	
Recording the Mark of Cattle				Entering and signing Decree,	14	1	4th	
or Hogs,	3			Filing Costs,	5	1	4th	
Taking Acknowledgement of Land				Copy Costs,	5	1	4th	
in Court,	5	1	4th	Affixing the Seal to any Tran-				
Recording a Conveyance of				script or Certificate,	5	1	4th	
Land, per side,	4	2	4ths	And for every other Service not				
Allowance of Habeas Corpus,	4	2	4ths	herein mentioned, per side, and				
For all searches the first Year,			nothing	so pro rato,	4	2	4ths	

And be it Enacted, That the several County Justices, in their respective Counties, at the Time of assessing the County Levy, shall, and they are hereby impowered and directed to allow the Clerk of each respective County the Sum of Two thousand Pounds of Tobacco yearly in their County Levies, in lieu of, and for full Satisfaction for Warrants to the Overseers of the Highway, Constables Warrants, taking and making Indentures of Orphans, assisting in laying and for apportioning the County Levy, and all other Services to be done for their respective Counties, and by Order of the Justices for the Time being; and all the respective County Clerks within this Province for the Time being shall, and they are hereby obliged to do all the said Services, and such others, for the Use of the respective Counties, as shall be required by the Justices of the Peace of each respective County, from Time to Time, and at all Times hereafter, for and in consideration of the Allowance aforesaid.

Allowance to said Clerks in the County Levies, for other Duties

To the Sheriff.

Serving Writ and Bail Bond,	26	1	4th	For swearing the same every				Sheriffs Fees
Collecting the Public and County				Oath,	9			
Dues, for every hundred,	6			Executing a Commission of Re-				
Collecting Officers Fees, for				survey, per Day,	75			
every hundred,	6			Impannelling a Jury,	180			
For every Commitment and Re-				Summoning Evidences to prove				
leasement,	30			the Bounds of Land, for each				
Impannelling a Jury,	90			Person summoned,	22	2	4ths	
Serving Scire facias, including				If impowered to swear Jury and				
the Person summoned,	22	2	4ths	Evidences, for every Oath,	9			
Serving Citation,	22	2	4ths	Every Non est inventus returned,	7	2	4ths	
For keeping a Prisoner in Custody,				Serving a Subpoena,	22	2	4ths	
and finding him Victuals,				For an Arrest on a Warrant,	26	1	4th	
during the first Month's Im-				For serving Duces tecum,	26	1	4th	
prisonment, per Day,	15			Return on an Attachment,	7	2	4ths	p. 34
For every Days Imprisonment				For laying an Attachment in any				
and Victualling after the first				Garnishee's hands, for each				
Month, per Day,	7	2	4ths	Garnishee,	22			
Serving a Writ of Possession,	112	2	4ths	That for all Goods and Chattels				
Serving an Ejectment,	75			which any Sheriff shall At-				
For electing Burgesses, if a				tach and take into his Pos-				
whole Election, and so pro				session, or wherewith he shall				
rato, for one or more,	1125			be chargeable, and which shall				
Serving an Attachment of Con-				be condemned, the same Fees				
tempt,	37	2	4ths	allowed as on Executions.				
Serving Writ of Estrepment,	75			Returning Fieri facias, or Re-				
Serving Ne exeat Provinciam,	90			plevin, each,	7	2	4ths	
Serving a Copy of Declaration,				Then the same Fees allowed as				
or short Note,	4	2	4ths	upon Attachments, the same				
Summoning Appraisers to value				fees allowed upon any Distress				
Goods taken by an Attach-				made for Rents.				
ment, or Fieri facias for each				Returning Writ Returno ha-				
Appraiser summoned,	22	2	4ths	beudo,	75			

SessionLaws	Swearing the said Appraisers, every Oath,	9		The same Fees allowed upon this as upon Executions or Attachment.	
	Serving an Attachment or Execution,	7	2 4ths	Returning Writ of Distringas, The same Fees allowed upon this as upon Executions or Attachment.	75
	And if any Execution be for above one hundred, and under five hundred Pounds of Tobacco,	37	2 4ths	For Return of an Elegit, Extent, or Writ of Liberate,	75
	If it exceed five hundred Pounds of Tobacco, then	75		Impannelling Jury on the same,	180
	If it exceed one thousand, then for the first thousand,	75		For swearing the same, each,	9
	And for every thousand after the first,	37	2 4ths	The same Fees allowed as upon Attachments.	
	Executing a Writ of Ad quod Damnum, or Melius inquirendum, per Day,	75		Serving Writ of Restitution, Summons in Partition, every Person summoned,	112 2 4ths
	Impannelling a Jury on the same,	180		Serving Writ of Partition, Impannelling Jury thereon,	22 2 4ths
	Swearing the said Jury, for every Oath,	9		Swearing the Jury each,	75
	Taking an Inquisition, and returning the same with the said Writ,	75		Attendance per Day,	37 2 4ths
	Summoning Appraisers to value the Goods taken by a Replevin, for each Person summoned,	22	2 4ths	Returning Writ Inquiry of Damages,	75
	Swearing the said Appraisers, every Oath,	9		Impannelling Jury thereon,	180
	Serving a Writ of Re-restitution,	112	2 4ths	Swearing the same each,	9
	Impanneling a Jury to enquire of a forcible Entry or Detainer,	180		Attendance per Day,	75
	If impowered to swear the same, for every Oath,	9		Proclamation of Rebellion,	90
	For each Person summoned as an Evidence on the same,	22	2 4ths	Serving Copy of Account,	4 2 4ths
	For swearing the said Evidences, every Oath,	9		Serving Withernam,	75
	For summoning Chain carriers on any occasion where required, each Person summoned,	22	2 4ths	And then the same Fees allowed as upon Replevins.	

To the Surveyor-General, and his Deputies.

Surveyor-General, and his Deputies	For the Survey of One hundred Acres of Land, or under, per Acre,	3	4ths	For Journey Fees, if the same be distant from the Surveyor's House, Twenty Miles, or under,	30
	Any quantity above One hundred Acres and under Two hundred,	3	8ths	If above twenty Miles and under forty,	60
	If between Two hundred Acres and Five hundred Acres, then for the first Two hundred, as before, and for all above One hundred Acres,	3	16ths	If above forty Miles and under sixty,	90
	Five hundred Acres as before, and for all above, per hundred Acres,	7	2 4ths	And so pro rato.	
	For every Plat, allowing three Plats for every Survey, that is to say, one to the Party, one to the Examiner-General, and the other to be entered upon the Surveyor's Books, for the fifth hundred Acres, or under,	7	2 4ths	For every Certificate of Survey, be the quantity more or less,	3 3 4ths
	For all above the first hundred Acres, per hundred,	3	3 4ths	For the Re survey of One hundred and forty Acres of Land, or under, made with a Circumferenter, Chain, and other necessary Instruments,	300
				For Re-survey of any quantity of Land above One hundred and forty Acres, the same Fees that are allowed upon primitive Surveys, computing the said One hundred and forty Acres as part of the Survey.	

To the Judge of the Admiralty Court.

Judge of Admiralty	For every Sentence or Condemnation Fee,	150		For every stipulation made before him,	90
	For Attesting all Depositions,	22	2 4ths	For every Days Attendance,	187 2 4ths

To the Register of the Admiralty Court.

Register	For Filing and Recording every Libel, Petition, Answer, Depositions, or any other matter, computing One hundred and five Words to a side, and so pro rato per side,	8	1 4th	For Filing Bill of Cost,	9
	For every other matter entered in the Minutes, or on Record, per side,	8	1 4th	For Copy Bill of Cost,	9
	For every Copy, Libel, Petition, Answer, Depositions, or any other matter, per side,	8	1 4th	For entering and signing Decree or Judgment,	30
	For every Writ under Seal, per side,	8	1 4th	For Swearing every Evidence in Court,	4 2 4ths
				For Issue and Rule,	24
				For drawing every Deposition, per side,	8 1 4th
				And for every other service not herein mentioned, per side, and so pro rato,	8 1 4th

To the Marshall of the Admiralty Court.

Session Laws

For serving every Writ for seizing a Vessel,	26	1 4th	For every Proclamation,	15	
For serving every Writ against the Commander,	26	1 4th	For serving every Writ of Attachment,	16	1 4th
For Subpœna every Witness,	22	2 4ths	For every Vessel acquitted,	60	
For every Non est inventus on Writ or Subpœna,	7	2 4ths	For any other extraordinary Service when obliged to Travel from home, at the rate of per Mile, besides Ferriages and necessary Expences, to be allowed by the Judge on Proof being made thereof.	2	1 4th
For Swearing every Evidence in Court,	9				
For Subpœna Appraisers,	45				

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Marshall

To the Examiner-General.

For Examining every Certificate of One hundred Acres, or under,	45		For every Hundred Acres above Three hundred Acres,	3	3 4ths
From One hundred Acres to Two hundred Acres,	52	2 4ths	In the same manner for every Tract in a Resurvey, for the Vacancy if any be added, and for the whole when reduced into one Tract.		
From Two hundred Acres to Three hundred Acres,	60				

Examiner-General

To the Clerk of the Court of Appeals.

Recording every Writ of Error, Seire facias, and Return, per side, computing One hundred and five Words to a side, the like for Recording a Transcript, the like Fees for Recording of Errors per side,	9		davit or Deposition taken or returned into Court, Copy Errors, Recording Proceedings transmitted from the Chancery Court, or Copy the same, Filing any Plea, Replication or Demurrer, or Copy the same in common Law Proceedings, Entry any Reference in Court and Copy the same, or Copying any other Proceedings, per side, and so pro rato,	9	
Enttring and signing Judgment, Filing a Bill of Cost,	47	1 4th	Issue and Rule,	24	
Copy of the same,	9		Affixing the Seal of the Court to any Copy of Proceedings or Exemplification,	131	3 4ths
Filing Bill of Cost from the Provincial, Chancery, or any other Court,	9		And for all other Services the same Fees as taken in the Secretary's Office.		
Writ of Diminution,	21				
Writ of Possession or any other Execution,	20	2 4ths			
Enttring any Motion or Order, Filing or Recording any Bond in Court, Enttring any Petition, Enttring and drawing any Affi-					

Clerk of the
Court of
Appeals

To the Clerk of the Council.

Every Petition in Council and Order in favour of the Party,	150		Recording any matter in Council, per side, for any private Person, computing One hundred and five Words to a side,	9	
Any Commission or other Instrument prepared by the said Clerk to pass the Broad Seal, if for a Place of Profit,	150		Copy of any matter or thing from the Council Records, per side,	9	
Recording the same,	150		All searches to the Clerk of the Council the same fees as are allowed to the Secretary,	15	
Every Sheriff's Commission,	300				
Every Coroner's, Ranger's, Surveyor's Commission, or other Commission of Profit,	150				

Clerk of
Council

Cryer's Fees in the Provincial Court.

Swearing every Jury,	108		Acquittal of every Prisoner,	60	
Swearing every Witness,	9		Every Appeal from the County Court,	37	2 4ths
Swearing the Bailiff,	9		Every Writ of Error returned from the County Court,	37	2 4ths
Every Special Bail,	54				
Every Good Behaviour,	54				
Clearing every Prisoner by Proclamation if required,	60				

Cryer of
Provincial
Court

Coroner's Fees.

Viewing the Body of any Person or Persons Murdered or Slain, or otherwise Dead by misadventure, to be paid out of the Goods and Chattels of the Party so Dead, if any there be, otherwise to be levied by the Commissioners of the County where such Accident shall happen,	187	2 4ths	Arresting or Summoning any Sheriff sued or prosecuted in any Court, and for taking Security,	30	
			Arresting, Summoning or Attaching any other Person or Persons, wherein the Sheriff is Plaintiff, such Fees as are allowed to be taken by the Sheriff in such case, and no more.		

Coroners

SessionLaws

Cryer's Fees in the County Court.

County	Swearing every Jury,	36		For Good Behaviour,	20	1 4th
Court	Swearing every Bailiff,	4	2 4ths	Clearing every Prisoner by Proc-		
Cryers	Every Oath,	3		lamation or Acquittal,	30	
	For Special Bail,	20	1 4th			

Deputy- And whereas, for want of an enlargement of the Jurisdiction of
Commis- the several Deputy-Commissaries within this Province, and their
saries being enabled to pass Accounts where the amount of the Estate
exceeds the Sum of Fifty Pounds Current Money, many of the In-
habitants are put to great inconveniencies and expence, either by
being obliged to repair to the Commissary-General for the Passing
of such Accounts where the Estate as aforesaid exceeds the Sum
of Fifty Pounds Current Money, or for obtaining special Commis-
sions from the Commissary-General, directed to the several Deputy-
Commissaries, enabling them so to do: For prevention of which
Evil,

p. 36
To Pass Ac- Be it Enacted, That the Deputy-Commissaries within this Prov-
counts of ince, in their respective Counties, shall be, and by virtue of this Act
150 l. they are, hereby authorized and impowered, to pass any Accounts
of the Estates of deceased Persons without any special Commission
from the Commissary-General, where the amount of the Inventory
of such Deceased's Estate, does not exceed the Sum of One hundred
and fifty Pounds Current Money.

Pauper
Estates
under 30 l. And whereas Pauper Estates by former Laws of this Province,
do not exceed Ten Pounds Current Money; Be it also Enacted, That
during the continuance of this Act, all Estates not exceeding Thirty
Pounds Current Money, shall be deemed Pauper Estates, and that
in such case there shall be no larger or other Fees taken by any
Deputy-Commissary than is by a former Act settled as to Pauper
Estates not exceeding Ten Pounds, nor any Fees at all by the Com-
missary-General.

Unnecessary
Fees not to
be charged And whereas it is greatly complained of to this present General
Assembly, that in many or all the Courts of this Province, the Clerks
and Registers of such Courts greatly multiply Fees, by entering
unnecessary Motions, Petitions and Orders; Be it therefore Enacted
by the Authority aforesaid, That in all Cases Civil and Criminal,
wherever any Motions are made, or Petitions tendered for any
Order, no Entry shall be made of them, nor any Charge either for
Motion, Petition or Order, unless it shall be particularly required
by some Party to the matter, over and above the Sum allowed by
this Act to be charged; and that then and in such case only, the
Party at whose request such entry of Motion, Petition or Order,
shall be made, shall be charged therewith, and liable therefore, in
such manner as by this Act is directed, and that the adverse Party
shall not be liable for the Cost of such entry of Motion, Petition or
Order, over and above the Sum allowed by this Act to be charged.

Officers
Charging
Fees not
allowed by
this Act, to
pay 5000 lb.
Tob. And be it further Enacted, That no Officer or Officers, their
Clerks, Ministers, or Servants, in this Act mentioned, shall charge

any other or larger Fees than by this Act is limited and appointed, Session Laws
 under any pretence whatsoever, nor under any other denomination
 than mentioned in this Act, unless the Consent and Approbation of
 the General Assembly of this Province be first had and obtained:
 And if any Officer or Officers, their Servants, Ministers or Clerks,
 shall demand and take any other or larger Fee or Fees, than is
 herein before mentioned, that then and in such case, they forfeit and
 pay to the Party or Parties, from whom they shall demand and take
 such extraordinary Fee or Fees, not only the Fee or Fees so charged
 or taken, but also the Sum of Five thousand Pounds of Tobacco, to
 be recovered in any Court of Record within this Province, by Ac-
 tion of Debt, Action on the Case, Indictment or Information, wherein
 no Essoyn, Protection, or Wager of Law, or more than one Impar-
 lance, shall be allowed. And in case the Party grieved doth not
 prosecute the Officer so offending, within six Months from the Time
 of such Offence committed, that then and in such case any other
 Person may prosecute for the same.

And be it further Enacted, That all Officers mentioned in this Act, Officers to
be Sworn
The Oath
 who shall enjoy any the Offices aforesaid, shall on or before the
 Tenth Day of December which shall be in the Year Seventeen hun-
 dred and forty-eight, take the following Oath, before some Provin-
 cial or County Magistrate, who is hereby authorized and required
 to administer the same, viz. You A. B. do Swear, that you will well,
 faithfully and impartially, to the best of your skill and knowledge,
 execute your Office, and that you will not willingly or wittingly,
 charge, ask, take, exact or demand, any other or larger Fees for
 doing your Duty in your Office, than is mentioned in the Act enti-
 tuled, An Act for amending the Staple of Tobacco, for preventing
 Frauds in his Majesty's Customs, and for the Limitation of Officers
 Fees, now in force. And as often as any Person or Persons shall be
 appointed for said Office or Offices, they shall take the said Oath
 prior to their receiving any of the Profits of any such Office or
 Offices.

And be it further Enacted, That Accounts of all Officer's Fees Fees to be
Charged at
length
 in this Act mentioned, shall be made out and drawn in a fair and clear
 manner, and in Words at length; and whenever any Person or Per-
 sons interested in them, or to whom the same shall be charged, shall
 desire a Copy of such Account, the several Officers shall, and are
 hereby required to give such Person so applying therefore, in as p. 37
 short a Time as may be convenient, an Account of such Charge in
 Words at length: And that all Under-Clerks and Deputies, Writing
 in any the Offices aforesaid, or doing Service in them, shall, by the
 Time aforesaid, or before they enter into any the Services aforesaid,
 before some Provincial or County Magistrate, (who is hereby au-
 thorized and required to administer the same) take the following The Oath
 Oath, viz. You A. B. do Swear, that you will not for Lucre or
 Malice delay any Person or Persons applying to you for any Busi-

Session Laws ness belonging to the Office you officiate in, and that you will not ask or demand from, or charge to, any such Person or Persons, any Fee or Reward whatsoever, for any Service you shall do as Clerk of the said Office for your Principal; and also that in making out the Office Fees for your Principal, you will not wittingly or willingly charge other or higher Fees than limited by the Act entitled, An Act for amending the Staple of Tobacco, for preventing Frauds in his Majesty's Customs, and for the Limitation of Officers Fees.

Which said Oaths before-mentioned, shall be severally returned by the Magistrate before whom the same shall be taken, to the Provincial or County Offices, as the case shall require, and be there entred on Record. And that all and every Person or Persons, claiming right to any Fee or Fees allowed by this Act, shall be obliged to set up and affix in the most public Place of his Office, a Table of Fees, to the intent that all Persons concerned may have recourse to the same.

Execution for Fees to issue but once a Year And be it further Enacted, That no Officer or Officers herein before-mentioned, under the Penalty aforesaid, to be recovered as aforesaid, shall make or send out their Fees on Execution but once in every Year, and that between the First Day of December and the Twenty-fifth Day of the same Month, yearly, during the continuance of this Act; and that the Party or Parties charged, their Persons, Goods or Chattels, shall not be executed for any of the aforesaid Fees, unless their Accounts be delivered them at or before the Twentieth Day of February in any Year they shall be demanded.

Deputy-Surveyors returning erroneous Certificates And be it further Enacted, That wherever any Deputy-Surveyor returns a Certificate or Certificates for the Examination of the Examiner-General, and that the same shall be found Erroneous, that in such case the Party for whose use such Survey is made, shall not be burthened with double Fees, either by the Examiner-General, or Deputy-Surveyor; but that the several Deputy-Surveyors shall pay the Examiner-General for any extraordinary Trouble they give him in Re-examining such Fees as by this Act is allowed to the Examiner-General.

Duration of this Act This Act to be in Force from the First Day of December, Seventeen hundred and forty-eight, until the full End and Term of Five Years.

Chapter III An Act to remedy some Proceedings in the Court of Charles County, and to prevent the Removal of the Records from the Public Offices.

Preamble Whereas a Fire broke out suddenly, in the House of Mr. Edmund Porteus, Clerk of Charles County Court, on the Sixteenth Day of December last past, and raged so violently, that notwithstanding the utmost endeavours, the said House, together with several original Papers in Causes depending in the Courts held in the Months of June, August and November, were consumed: And whereas there

may be an obstruction to Justice in the said several Causes, without Session Laws the aid of the Legislature;

Be it therefore Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Chief Justice of the said County Court, the Sheriff of the said County, and the several Attorneys practising in the same, shall, and they are hereby directed and required to deliver up to the aforesaid Edmund Porteus, Clerk of the said County, their several and respective Docketts for the aforesaid Courts of June, August and November last, by the said Clerk, or his sworn Deputy, made out and delivered to them respectively, for their respective uses, at the said several County Courts.

The Chief Justice, &c. of Charles County to deliver the Clerk their Docketts

p. 38

And be it Enacted by the Authority aforesaid, That the said Clerk shall and may in all such Proceedings and Causes, whether Criminal or Civil, as shall appear from any or either of such Docketts, where no Execution hath been issued therein, and where Execution hath been issued therein, then from such Execution to have been at either of the said County Courts finished and brought to Judgment, or other end or determination, make out and enter up among the Records of the said County, a minute, abstract or abridgment of such Proceedings so determined in such manner, and with such Judgment, End, or other Determination, as shall from the major Part of the said Docketts, and the Justices, Sheriff's and Attorneys Minutes and Entries thereon, and from such Executions as are already issued, or such Judgments, Ends, or other Determinations respectively (always giving the preference to such Executions already issued in such points as shall respectively appear upon the same) appear to have been the Judgment, End, or other Determinations, of such Cases respectively.

Directions to the Clerk of Charles County in the making up the Records

And be it further Enacted by the Authority, Advice and Consent aforesaid, That all and every the Executions, and other judicial Process, whether grounded upon any Judgment or Determination made or obtained in any of the said Three Courts, or in any former Court, and which Execution or other judicial Process has been returnable and returned to either of the said Three Courts, and all and every of the Acts and Proceedings of the Justices, the Sheriff, or the Clerk, of the said County, in either of the said Three Courts, by virtue and in pursuance of such Executions or other judicial Process, shall be ascertained, entered and made up in like manner.

In difficult Cases the Justices to advise

And be it further Enacted by the Authority, Advice and Consent aforesaid, That in case of any uncertainty or other difficulty to the said Clerk, in the making such abstract, minute, or abridgment, he shall, and is hereby required and directed to, apply to the Justices of the said County at any future sitting in Court, for their assistance and direction therein, and they are hereby required and authorized to give the same.

Session Laws

And be it further Enacted by the Authority aforesaid, That such Abstract, Minute or Abridgment, so as aforesaid by the said Clerk entered, and all Executions and other Process already issued, or to be issued, and all Acts and Proceedings in pursuance and by virtue thereof, shall be, and shall be deemed, construed, and taken to be, as good, valid and effectual, to all intents and purposes whatsoever, as if the Judgments, Ends, or other Determinations of the same respective Executions and other judicial Process had been regularly entered up, or were now actually remaining or filed among the Records and Proceedings of the said County in usual form; any Law, Usage or Custom to the contrary in any wise notwithstanding.

And be it further Enacted, by and with the Authority, Advice and Consent aforesaid, That all such Cases as were not determined in any of the said Courts of June, August or November, shall and may be heard and determined, and the Justices of the said County for the Time being are hereby authorized and impowered, to hear, adjudge of, and determine the same, either in a Summary way by the best Evidence the nature of each case will admit of, or by Bill filed on the Equity side of such County Court, as to the Plaintiffs in such Suits or Actions shall seem meet: And for that purpose, the said County Court is hereby also authorized and impowered as a Court of Equity, to hold Plea of such Sums so as aforesaid heretofore Sued or Prosecuted, to any amount not exceeding the Jurisdiction of the Law side thereof, and that such Hearing and Determination, either in a summary manner, or in Equity as aforesaid, and all Entries and Records thereof, and all Executions and Process thereon, shall be as good, valid and effectual, to all intents and purposes whatsoever, as if the same had been heard, adjudged, determined and entered in usual Form; any Law, Usage, or Custom to the contrary notwithstanding.

p. 39 And be it further Enacted, by and with the Authority, Advice and Consent aforesaid, That the continuances of all such Cases as were not determined in any of the said Courts of June, August and November, shall and may by and with the Consent and Direction of the Justices of the said County in Court sitting, be entered upon Record, from June, August and November Court aforesaid, as the case shall happen, from Court to Court, until March Court now next ensuing for the said County inclusive, and no longer; any Law, Usage or Custom to the contrary notwithstanding,

Provided always, That nothing herein before contained shall extend, or be construed to extend, to supply or make good any other defect or irregularity than what hath necessarily followed from the Accident of the Fire as aforesaid.

The Public
Records not
to be re-
moved from
the Public
Offices

And be it further Enacted, by and with the Authority, Advice and Consent aforesaid, That for the future no Clerk or Register within this Province (except Parish Registers) shall at any Time

hereafter, take, remove, or carry out of their respective Public Offices Session Laws
 or cause or suffer any Person or Persons to take, remove, or carry
 out of their respective Public Offices, any Books, Papers, or other
 Records, to their own Houses, or to any other Place upon any Pre-
 tence whatsoever, and the same so keep, or cause or suffer to be kept
 out of their respective Public Offices, at any Time between the Hours
 of Eleven at Night and Six in the Morning, under Penalty of Ten Penalty
 Pounds Current Money for every offence, one Moiety thereof to
 the Informer, or to him or her that shall sue for the same, the other
 Moiety to be applied to the use of the School of the County wherein
 the Offence shall be committed, to be recovered in any Court of
 Record in this Province, by Action of Debt, Bill of Indictment,
 Plaint or Information, wherein no Essoyn, Protection or Wager of
 Law, or more than one Impar lance, shall be allowed.

Provided always, That all Actions or Prosecutions in virtue of
 this Act, shall be commenced within Six Months next after the
 offence shall be committed.

An Act to prohibit the raising of Swine and Geese in Princess-Anne Chapter V
 Town in Somerset County.

Whereas the raising of Swine and Geese in Princess-Anne Town, Preamble
 in Somerset County, is greatly complained of, as being prejudicial
 to the Inhabitants thereof. For prevention whereof,

Be it Enacted by the Right Honourable the Lord Proprietary, by p. 40
 and with the Advice and Consent of his Lordship's Governor, and
 the Upper and Lower Houses of Assembly, and the Authority of
 the same, That no Person or Persons whatsoever, living or to live
 within the same Town, shall after the End of this Session of As-
 sembly, under any pretence whatsoever, keep or support within the
 same Town, any Swine or Geese belonging to themselves, or any
 other Person, unless such Swine or Geese be kept within such Person
 or Person's own Inclosure so keeping or supporting such Swine or
 Geese; and that any Person or Persons that shall be convicted before
 any Magistrate, on Confession or Proof of Offending contrary to
 this Act, shall pay Ten Shillings Current Money for each Offence,
 to be levied on the Body, Goods or Chattles of the Offender, by way
 of Execution, as in the case of small Debts, and to be applied to the
 use of the County School aforesaid; any Law, Usage, or Custom,
 to the contrary notwithstanding. No Geese or Swine to be kept in Princess-Anne Town except in Inclosures

An Act to prohibit the raising of Swine and Geese in the Town of Chapter VI
 Oxford in Talbot County.

Whereas the raising of Swine and Geese in Oxford Town, in Preamble
 Talbot County, is greatly complained of, as being prejudicial to the
 Inhabitants thereof. For prevention whereof,

Session Laws
No Geese or
Swine to be
kept in Ox-
ford except
in inclo-
sures
p. 40

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That no Person or Persons whatsoever, living or to live within the same Town, shall after the End of this Session of Assembly, under any pretence whatsoever, keep or support within the same Town, any Swine or Geese belonging to themselves, or any other Person, unless such Swine or Geese be kept within such Person or Person's own Inclosure so keeping or supporting such Swine or Geese, and that any Person or Persons that shall be convicted before any Magistrate, on Confession or Proof of offending contrary to this Act, shall pay Ten Shillings Current Money for each Offence, to be levied on the Body, Goods or Chattels of the Offender, by way of Execution, as in the case of small Debts, and to be applied to the use of the County School aforesaid; any Law, Usage, or Custom, to the contrary notwithstanding.

Chapter VII A supplementary Act to the Act entituled, An Act for laying out the Town a-new commonly called Snow-hill Town, in Somerset County.

Preamble Whereas, by the Act entituled, An Act for laying out the Town a-new commonly called Snow-hill Town, in Somerset County, the Commissioners mentioned in the above recited Act, or the major Part of them, were thereby required and impowered to nominate and appoint some sufficient and skilful Person to be their Clerk, who should make a fair Record and Entry of all the Proceedings of the said Commissioners, in a sufficient Book to be provided for that purpose, to whom the Surveyor should be obliged to deliver a fair Plat of the said Lots to be surveyed as aforesaid, which Clerk, and his Successors, should transmit to the Clerk of Somerset County, the whole Proceedings of the said Commissioners, together with the said Plat, to be lodged amongst the County Records, which Proceedings, the Clerk of Somerset County was, by the said recited Act, obliged to take care of; And forasmuch as by the late Division of the said County, the said Snow-hill Town is taken into Worcester County, which would make it very inconvenient for the Owners and Possessors of the Lots in the said Town, to resort to the Clerk of Somerset County, in making the necessary Searches of the Proceedings of the said Commissioners, should the Clerk of the said Town return the Proceedings of the said Commissioners, together with the Record Book and Plat of the said Town, to the Clerk of Somerset County Court to be by him there kept.

The Clerk
of Snow hill
Town to
transmit
the Proceed-
ings to the
Clerk of
Worcester

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Clerk of the said Commissioners,

and his Successors, shall transmit to the Clerk of Worcester County Court, the whole Proceedings of the said Commissioners, together with the Record Book and Plat of the said Town, to be lodged amongst the Records of the said County, which Proceedings the Clerk of Worcester County is hereby required to take charge of. Session Laws

And be it further Enacted, by the Authority aforesaid, That the Commissioners aforesaid shall, and are hereby impowered and required to ascertain what Fee or Fees the said Clerk shall have, for entering the Proceedings of them the said Commissioners, and the several Services by the said recited Act by him directed to be done, and transmit the same under their Hands, or the Hands of the major Part of them, to the Justices of Worcester County Court, in the same manner and for the same purposes as by the said recited Act they are required to transmit to the Justices of Somerset County Court, which said Justices of Worcester County Court are hereby impowered and required to tax and assess the same in the County Levy which shall be next laid after such Transmission; any thing in the above recited Act to the contrary notwithstanding. The Commissioners to settle the Clerks Fees

And be it Enacted by the Advice and Consent aforesaid, That no Person or Persons whatsoever, living or to live within the same Town, shall, after the End of this present Session of Assembly, under any pretence whatsoever, keep or support within the same Town, any Swine or Geese belonging to themselves or any other Person whatsoever, unless such Swine or Geese be kept within such Person or Person's own Inclosure so keeping or supporting such Swine or Geese, under the Penalty of Ten Shillings Current Money for each Transgression, to be recovered before any Magistrate, as in the case of small Debts, for the use of the said County School. No Geese or Swine except, &c. to be kept in said Town
p. 41

An Act empowering the Vestry-men and Church-wardens of All Saints Parish in Prince-George's County, or of the County wherein the said Parish shall be, to purchase Three separate Acres of Land in the said Parish, whereon to Build a Church and two Chapels of ease; and to impower the Justices of Prince-George's County, or of the County wherein the said Parish shall be, to levy on the Taxable Inhabitants of the said Parish, the Sum of Three Hundred Pounds Current Money, for the uses therein mentioned. Chapter IX

Whereas the Vestry-men and Church-wardens of All Saints Parish in Prince George's County, have, by their humble Petition to this General Assembly, set forth, That they have no Place of Worship to meet together in, for the Service of Almighty GOD, for want whereof they are very little benefited by having an established Minister, That they have agreed to Build a Parish Church at Frederick-Town, on Carroll's Creek as the most fit Place for the same, and Pray that the Sum of two Hundred Pounds Current Money, may be raised and levied on the taxable Inhabitants of said Parish, by two equal Assessments, towards Building the same: And by their said Preamble

Session Laws Petition, further set forth, that the said Parish is so large, and lies so inconvenient, that a vast many of the Inhabitants thereof cannot possibly come to the Parish Church when Erected as aforesaid, and therefore pray that a further Sum of Fifty Pounds Current Money, may be also raised and levied as aforesaid, and applied towards Building a Chapel already begun, standing between Monoccasy and Seneca Creek; and that the like Sum of Fifty Pounds may be also raised, levied and applied, towards erecting one other Chapel at some Place between Anti-eatum and Connogocheague; and that the said Two Chapels may be adopted Chapels of Ease in said Parish for Ever: All which being by this present General Assembly, thought reasonable; It is humbly prayed that it may be Enacted,

Vestry of all Saints Parish to purchase 3 Acres of Land whereon to build one Church and 2 Chapels And be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Vestrymen and Church-wardens of All-Saints Parish, in Prince-George's County aforesaid, or the major Part of them, and are hereby, authorized and impowered, to agree for, and purchase, Three Acres of Land, at the most convenient Places in the said Parish, for the erecting a Parish Church, and Two Chapels of Ease, for the use and benefit of the Parishioners aforesaid, which said Church, and Chapels of Ease so to be Built thereon, shall be, and are hereby constituted and deemed, a Church, and Chapels of Ease, of the said Parish, and shall for ever hereafter be respectively supported and repaired at the Charge of the said Parish.

300 l. to be levied for that purpose And be it further Enacted, That the Justices of Prince-George's County Court aforesaid, or of the County wherein the said Parish shall be, shall and may, and they are hereby authorized and directed, on the application of the Vestry-men and Church-wardens of the aforesaid Parish, to assess and levy by two even and equal Assessments, on the taxable Inhabitants of the same Parish, the sum of Three Hundred Pounds Current Money, to be paid by the Parishioners by the Tenth Day of April yearly, which said Assessments so to be levied, shall be collected by the Sheriff of Prince-George's County, or of the County wherein the said Parish shall be, for the Time being, who is hereby authorized and required to collect the same, and shall have for such Collection after the rate of Five per Centum, and the said Money, when so collected, shall be paid to the Vestry-men and Church-wardens aforesaid, who are hereby authorized and required to apply the same to the uses aforesaid, in such manner as to them shall seem meet.

Chapter XI ^{p. 42} An Act continuing an Act, entituled, An Act to prevent cutting up Tobacco-Plants, destroying of Tobacco and Tobacco-Houses, and for ascertaining the Punishment of Criminals guilty of the said Offences.

Continuation of an Act Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and

the Upper and Lower Houses of Assembly, and the Authority of Session Laws the same, That the above-mentioned Act, entituled, An Act to prevent cutting up Tobacco-Plants, destroying of Tobacco and Tobacco-Houses, and for ascertaining the Punishment of Criminals guilty of the said Offences, made at a Session of Assembly begun and held at the City of Annapolis, the first Day of May, Anno Domini, One thousand seven hundred forty and four, be, and is hereby, Continued, and shall remain and be in full Force for and during the Term of Three Years next ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said Three Years.

An Act continuing an Act, entituled, An Act for Punishment of Chapter XII
Horse-Stealers, and other Offenders.

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the above mentioned Act, entituled, An Act for Punishment of Horse-Stealers, and other Offenders, made at a Session of Assembly, begun and held at the City of Annapolis, the first Day of May, Anno Domini, One thousand seven hundred forty and four, be, and is hereby Continued, and shall remain and be in full Force for and during the Term of Three Years next ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said three Years. Continuation of an Act

An Act continuing an Act, entituled, An Act to prevent the Injuring of Harbours within this Province, and for repealing the Act therein mentioned. Chapter XIII

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the above mentioned Act, entituled An Act to prevent the Injuring of Harbours within this Province, and for repealing the Act therein mentioned, made at a Session of Assembly, begun and held at the City of Annapolis, the Twentieth Day of March, Anno Domini, One thousand seven hundred and thirty four, be, and is hereby Continued, and shall remain and be in full force for Ever. Continuation of an Act

An Act continuing an Act of Assembly of this Province, entituled, An Act for the more effectual Punishment of certain Offenders, and for taking from them the Benefit of Clergy. Chapter XIV

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the above mentioned Act, entituled, An Act for the Continuation of an Act

Session Laws more effectual Punishment of certain Offenders, and for taking from them the Benefit of Clergy, made at a Session of Assembly, begun and held at the City of Annapolis, the Twenty sixth Day of April, Seventeen hundred thirty and seven, be, and is hereby Continued, and shall remain and be in full Force for and during the Term of Three Years next ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said three Years.

P. 43 Chapter XV An Act continuing an Act, entitled, A Supplementary Act to an Act, entitled, An Act laying an Imposition on Negroes, and several sorts of Liquors Imported, and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province.

Continuation of an Act Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the above mentioned Act, entitled, A Supplementary Act to an Act, entitled, An Act laying an Imposition on Negroes, and several sorts of Liquors Imported, and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province, made at a Session of Assembly, begun and held at the City of Annapolis, the Twentieth Day of March, Anno Domini, One thousand seven hundred and thirty four, be, and is hereby Continued, and shall remain and be in full Force for and during the Term of three Years next Ensuing, and to the End of the next Session of Assembly which shall happen after the End of the said three Years.

Chapter XVI An Act continuing an Act of Assembly of this Province, entitled, A Supplementary act to the Act, entitled, an Act for the more effectual Punishment of Negroes and other Slaves, and for taking away the Benefit of Clergy from certain Offenders, and to an Act, entitled, An Act to prevent the tumultuous Meeting and other Irregularities of Negroes and other Slaves, and directing the manner of Trying Slaves.

Continuation of an Act Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the above mentioned Act, entitled, An Act continuing an Act of Assembly of this Province, entitled, A Supplementary Act to the Act, entitled, An Act for the more effectual Punishment of Negroes and other Slaves, and for taking away the Benefit of Clergy from certain Offenders, and to an Act, entitled, An Act to prevent the tumultuous Meeting and other Irregularities of Negroes and other Slaves, and directing the manner of Trying Slaves, made

at a Session of Assembly, begun and held at the City of Annapolis, Session Laws
the Twenty sixth Day of April, Seventeen hundred thirty and seven,
be, and is hereby Continued, and shall remain and be in full Force
for and during the Term of Three Years next ensuing, and to the
End of the next Session of Assembly which shall happen after the
End of the said three Years.

Provided always, That where any Money shall be paid by virtue Proviso
of any Act or Acts of this Province, for any Slave or Slaves who
shall dye in Goal after Sentence, or shall be Executed, It is hereby
Declared and Enacted, That such Payment shall be made for such
Slave or Slaves who were actual Inhabitants within this Province,
at the time of such Fact committed, and not otherwise.

An Act to prevent certain Evils and Inconveniencies attending the Chapter XVII
sale of strong Liquors, and running of Horse-Races, near the
yearly Meetings of the People called Quakers, and to prevent the
tumultuous Concourse of Negroes and other Slaves during the
said Meetings.

Whereas the People called Quakers, have, by their Petition to Preamble
this present General Assembly, set forth, and complained, that (not-
withstanding the former Indulgence of the Legislature in restraining
Booths and other Places for selling Liquor, from being set up or
kept within Two Miles of their Meeting-House at West-River, and
One Mile of their Meeting-House at Third-Haven Creek in Talbot p. 44
County, which Favour they most gratefully acknowledge,) They, [Continued
as well as those of other Persuasions who resort to their yearly by 1751, ch.
Meetings, labour under and suffer many Inconveniencies from the 19; 1754, ch.
great Concourse of idle and profligate white People, and great 12; 1759, ch.
Crowds of Negroes that assemble together at the usual Times of 20; 1760, ch.
their yearly Meetings held at their said Meeting Houses, drinking 3; 1765, ch.
to Excess, and behaving in a riotous and turbulent Manner, at 23; June,
Booths, and other Places, where strong and spirituous Liquor can 1773, ch. 2;
be had, at greater Distances than before-mentioned; and that they Oct. 1780,
have for some Years last past been greatly incommoded and endan- ch. 12; Nov.
gered in passing and repassing to and from their said Meeting House 1787, ch. 38;
in Talbot County, by Multitudes of rude and disorderly People that 1795, ch. 83,
gather together to run Horse Races on the Road between the said made per-
Meeting House at Third-Haven Creek, and a Place near thereto, manent by
called New-Market. For Prevention of which Evils for the future. 1798, chs.
they have prayed that it may be Enacted; 10 and 71,
amended by
1752, ch. 14,
sec. 4]

Be it therefore Enacted by the Right Honourable the Lord Pro- No Booths
prietary, by and with the Advice and Consent of his Lordship's to be set up
Governor, and the Upper and Lower Houses of Assembly, and the within 3
Authority of the same, That from and after the End of this present Miles of the
Session of Assembly, if any Person or Persons whatsoever shall set Quakers
up or erect any Booth or other Conveniency for selling Liquor, or Meetings

SessionLaws giving Entertainment, or shall sell, dispose of, or give away any strong or spirituous Liquor, or give Entertainment in such Booth or Convenience, within any Distance less than three Miles from either of the said Meeting Houses, in Talbot or Anne Arundel County, during the Days on which such Yearly Meetings shall be kept or held, he, she, or they shall forfeit and pay the Sum of Five Pounds Current Money each; one Half to the Informer, or him or them that will sue for the same, the other Half to the Use of the County School where the Offence shall be committed; to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law shall be allowed.

If any Booths be set up then the Justices to order them to be taken away And be it further Enacted, That every Justice of the Peace for the County where such Offence shall be committed, is hereby authorized and required immediately upon Complaint to him made, to issue his Warrant to cause the said Offender or Offenders to be brought before him, and upon Proof of the Premises, by the Oath (or Affirmation if a Quaker) of one credible Witness, or Confession of the Party, to command him, her, or them, immediately to remove and take away such Booth or Convenience, and also any strong or spirituous Liquor or other Accommodations which he, she, or they may have in such Booth or Convenience, and to desist from giving, selling, or disposing of such Liquor or other Accommodations, and giving such Entertainment as aforesaid, and to give Security for his, her, or their Appearance at the next Court to be held for such County, to answer the Premises; which if he, she, or they shall refuse to do immediately, then and in such Case, the said Justice may, and he is hereby empowered and required to commit him, her, or them to the Public Prison of the County, there to remain until he, she, or they shall give such Security as aforesaid, and shall cause such Booth or other Convenience to be removed.

Privilege to Ordinary Keepers And be it further Enacted, That if any Person or Persons whatsoever, except such as shall be lawfully admitted and licensed by the Court to keep an Ordinary for the Ease and Accommodation of Travellers shall build, set up, or erect any Booth or Convenience, within or without such a distance, as is before-mentioned, in order to sell or dispose of any strong or spirituous Liquors, or other Accommodations, or give any Entertainment to Persons travelling or going to, or returning from, such Meeting-Houses, or shall presume to sell or dispose of any such strong and spirituous Liquors, or other Accommodations, or give such Entertainment in such Booth or other Convenience he, she, or they, shall for every such Offence, Penalty on others forfeit and pay the Sum of Five Pounds Current Money each; to be recovered and applied as aforesaid.

And be it further Enacted, That such Ordinary-Keepers, who shall be duly admitted and licensed by the County Court, and who shall

erect, or set up any Booth, or other Conveniency, on the Days on which such Yearly Meetings shall be kept, and within a Distance not less than three Miles from such Meeting Houses in the said Counties of Talbot and Anne-Arundel, shall not sell, give, or dispose of any strong or spirituous Liquor, or give any Entertainment or other Accommodations, upon any Pretence whatsoever, to any Servant, Negro, or other Slave, under Pain of losing the Price of the Liquor so sold, given, or disposed of, and paying moreover the Sum of Twenty Shillings Current Money; to be recovered before any single Magistrate of the County, upon the Oath (or Affirmation if a Quaker) of any one credible Witness, and applied as aforesaid.

Session Laws
p. 45
Penalty for
selling
Liquor to
Servants or
Slaves

And be it further Enacted, That such Ordinary-Keeper shall not sell, give, or dispose of any Liquors, or other Accommodations, or give any Entertainment in any Booth, or other Convenience, except such as shall be at his or her dwelling House, to any Person or Persons whatsoever, on any of the several and respective Days on which such Meetings shall be kept and held as aforesaid, after Sun-setting of the same Day, under the Penalty and Forfeiture of Five Pounds Current Money for every such Offence, to be recovered and applied as aforesaid.

No Liquors
to be sold
after Sunset
in any
Booth

And be it further Enacted, That no Person or Persons whatsoever, shall hereafter run or pace any Race or Races with any Horse, Mare, or Gelding, for any Wager or Wagers, for Diversion, or on any Pretence whatsoever, on the Ground commonly called New-Market, in Talbot County, or within the Distance of Five Miles from the Meeting House in the said County, or within Five Miles of the Meeting House on West-River, in Anne-Arundel County, on the Days on which the said Meetings or either of them shall be kept and held, under the Penalty of the Owner or Owners of such Horse, Mare, or Gelding, who shall so run or pace his Horse, Mare, or Gelding, or knowingly suffer them to be run or paced, forfeiting and paying for every such Race Five Pounds Current Money, to be recovered and applied as aforesaid. And the Person or Persons who shall presume to make any Horse-Race, lay any Wager on such Race, or run for his or their Diversion, or who shall presume to ride a Race on any Horse, Mare, or Gelding, belonging to any other Person, on the Days and within the Distances from the said respective Meeting Houses afore-mentioned, shall for every Offence, forfeit and pay the Sum of Five Pounds Current Money, to be recovered and applied as aforesaid.

No Horse
Races to be
run near
Meetings

And be it further Enacted and Declared, That the Constables of the several and respective Hundreds of the said Counties of Anne-Arundel and Talbot, shall, upon their knowing, or being applied to, during the Time of holding the said Yearly Meetings, by any other Person or Persons informing them, that great Numbers or Crowds of Negroes or other Slaves have met in a tumultuous and disorderly

Constables
to assist in
suppressing
Tumults

Session Laws Manner within the said Counties, immediately to repair with such Assistance as he or they shall think necessary, to such Place where such Negroes and other Slaves shall be assembled, and require and command them immediately to disperse and retire to their several Dwellings; which if they, or any of them, shall refuse or delay to do, or shall behave impudently or turbulently, such Constable or Constables shall seize and take such Negro or Negroes, or other Slave or Slaves, so refusing, delaying, or misbehaving, and give him, her, or them, a due Correction, by whipping on the bare Back with any Number of Stripes not exceeding Thirty-Nine.

Proviso Provided Always, That nothing herein shall extend, or be construed to extend, to prevent, hinder, or preclude any licensed Ordinary-Keeper, whose settled Dwelling shall happen to be within three Miles of, or a greater Distance from such Meeting-Houses, or either of them, from erecting or building any Booths, or other Conveniences, for the better accommodating and refreshing Persons going to or returning from such Meetings, so that the same be at his or her dwelling House, and subject to the several other Restrictions and Limitations herein before expressed, or from selling such Liquors or Accommodations in such dwelling House.

Continuation of this Act This Act to continue from and after the End of this present Session of Assembly, for and during the space of three Years, and unto the End of the next Session of Assembly which shall happen after the Expiration of the said three Years.

p. 46 Chapter XVIII An Act empowering certain Commissioners therein mentioned, to lay out and set a Price, or cause a Price to be set, on two Acres of Land in St. Margaret's Westminster Parish, in Anne-Arundel County, whereon the Chapel of Ease belonging to the said Parish now stands.

Preamble Whereas the Rector, Vestrymen, and Church-Wardens of St. Margaret's Westminster Parish, in Anne-Arundel County, have, by their humble Petition to this present General Assembly, set forth, That the Chapel erected at the upper End of the said Parish hath for some Years been out of Repair, and that the Vestrymen have forborn to repair the same, by Reason that the Land whereon it stands hath not been purchased for that Use, the Owner thereof refusing to sell any Part less than the whole Tract, which contains One Hundred Acres; by which Means, unless remedied by the Legislature of this Province, the Inhabitants at the upper End of said Parish will be destitute of a Place of Public Worship: For removing of which Inconvenience, it is humbly prayed that it may be Enacted;

And be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That Colonel Charles Hammond, Capt. John Meriken,

Mr. Lawrence Hammond, Mr. John Howard, Dr. James Walker, and Vachel Denton, Esq; be, and are hereby appointed Commissioners, and as such are by Virtue of this Act authorized and empowered to treat and agree with the Proprietor or Proprietors of the Tract of Land on which the Chapel of Ease in St. Margaret's Westminster Parish now stands, for the Purchase of two Acres of Land, part of the said Tract, and to cause the same two Acres to be surveyed, butted, and bounded in such Manner as to them shall seem meet, by the Surveyor of Anne-Arundel County, or such other Person skilful in Surveying, as the said Commissioners or the major Part of them shall think fit to choose, so as the Chapel now standing on the said Land be included within the Bounds of the said two Acres: And in Case it shall so happen that the Proprietor or Proprietors of the Land aforesaid, upon having timely Notice given him, her, or them, of the Time and Place of the Meeting of the Commissioners aforesaid, to treat and agree with him, her, or them, to the Purposes aforesaid, shall refuse or neglect to appear, or upon appearing, shall not treat and agree with the Commissioners aforesaid, or the major Part of them, for the Sale and Purchase of two Acres of Land, to the Uses and Purposes aforesaid, then it shall and may be lawful to and for the Commissioners aforesaid, or the major Part of them, to issue a Warrant under their Hands and Seals, directed to the Sheriff of Anne-Arundel County for the time being, commanding him to summon and impanel a Jury of twelve good and lawful Men, Freeholders of his Bailywick, to be and appear at a certain Time and Place, in such Warrant to be mentioned; which Warrant the said Sheriff is hereby required and obliged to execute; and such Jury so impanelled, being by the said Commissioners charged and sworn, shall, upon their Oath, enquire, assess, and return what Damages or Recompense they shall think fit to be paid and given to such Proprietor or Proprietors for the two Acres of Land aforesaid, and whatever Sum or Sums of Money the Jury shall so assess and award, shall be, and is hereby declared to be the Value and Price to be paid to such Proprietor or Proprietors interested in the two Acres of Land so to be surveyed, butted, and bounded as aforesaid.

Session Laws
Com-
mis-
sioners ap-
pointed to
purchase 2
Acres of
Land where
the Chapel
stands

Such Land
to be
valued by
a Jury

And be it further Enacted by the Authority aforesaid, That in Case the Proprietor or Proprietors of the Land aforesaid, shall upon tender being made to him, her, or them, by the Commissioners aforesaid, or the major Part of them, of the Money so assessed by the Jury, refuse to receive the same, or upon such receiving, shall refuse to execute a Deed for the Conveying of the said two Acres of Land to the Vestrymen and Church-wardens of the Parish aforesaid, for the Time being, and their Successors, to the Use of the said Parish forever, such Refusal being certified by the Commissioners aforesaid, or the major Part of them, to the Justices of Anne-Arundel County Court, and there recorded, shall be, and is hereby declared to vest the said Vestrymen and Church-wardens, and their Successors, with an

In case the
Owner re-
fuse the
Price set by
the Jury

SessionLaws absolute Estate in Fee-Simple, of, in, and unto the two Acres of
P. 47 Land aforesaid, to the Use aforesaid for ever, and shall for ever
after bar such Proprietor or Proprietors, his Heirs or Assigns, from
any Claim thereto.

Allowance And be it further Enacted, That the Sheriff shall have the same
to the Fees for summoning and impannelling the Jury aforesaid, as he is
Sheriff for entitled to receive for the like Service in the County Court, and no
summoning more; and that the same shall be chargeable to, and paid by the
so the Jury Parish aforesaid.

Chapter An Act for raising Three Pence Sterling per Hogshead on all To-
XIX bacco to be exported, for purchasing Arms and Ammunition, and
for an immediate Supply of Arms for the Defence of this Province.

Preamble Whereas in these Times of Danger, it is highly prudent to provide
[Continued best Provision we are able for a suitable Supply of Arms and Am-
to Sept. 29, munition; and it being now more necessary, as the General Assem-
1749 by 1748 bly in June 1746, enacted, that Part of the Arms then in the
ch. 11] Magazine, should be delivered to His Majesty's Forces raised within
this Province (such Arms not being otherwise to be procured or
purchased within the same) We His Majesty's most dutiful and
loyal Subjects, the Delegates of the Freemen of Maryland, in Assem-
bly convened, therefore humbly pray that it may be Enacted;

Three Pence And be it Enacted, by the Right Honourable the Lord Proprie-
Sterling per tary, by and with the Advice and Consent of his Lordship's Gover-
Hogshead nor, and the Upper and Lower Houses of Assembly, and the Au-
on all To- thority of the same, That there shall be levied, collected, and raised
bacco ex- a Duty or Impost of Three Pence Sterling Money, on every Hogs-
ported, to be head of Tobacco which now is, and hereafter shall be laden on board
paid to the any Ship or Vessel to be exported out of this Province, and not
Naval cleared at some Naval Office, before the End of this present Session
Officers of Assembly, to be collected and received by the respective Naval
for purchas- Officers in the same Manner as other Duties on all Tobacco now due
ing Arms and Am- and payable, are collected and raised; which said Duty shall be dis-
munition posed of for the purchasing Arms and Ammunition for the main-
taining a Magazine for the better Defence of this Province, and for
the due Preservation thereof, and paid to the Treasurer or Treas-
urers of this Province for the Time being, who shall be allowed Two
Pounds Ten Shillings per Centum for the Receipt and Payment
thereof, and to be disposed of to the Uses aforesaid, as the Governor
and Council for the Time being shall direct; for the Collection
whereof, the Naval-Officers shall be allowed Eight Pounds per
Centum, and no more.

The Treas- And be it further Enacted, by the Authority aforesaid, That the
urers to ren- several and respective Treasurers, shall from time to time, make and
der accounts render to both Houses of Assembly of this Province, sufficient and

clear Accounts of what Money they shall receive by Virtue of this Session Laws Act, and how the same shall have been disposed of.

And be it likewise Enacted, That the several and respective Treasurers shall, and they are hereby directed to transmit all the Bills of Exchange or Monies which they shall receive in Virtue of this Act, to Mr. Joseph Adams, Merchant in London, to be by him kept and paid out according to the Directions, and to the Uses in this Act mentioned.

The Bills to be remitted to Mr. Adams

And be it further Enacted by the Authority aforesaid, That the Armourer, or Person who now has, or hereafter shall have, the care, keeping, or distributing the Arms and Ammunition now in Store, or which hereafter may be, shall, and he or they are hereby obliged to keep a full and just Account of all Arms and Ammunition which now are, or shall hereafter be received by him or them, into the Public Magazine, and to whom, by whom, by whose Order, and to what Use or Uses the same has been, or shall be given out or Distributed; and such Account, with Vouchers, lay before both Houses of Assembly yearly, sworn to before one Provincial or County Magistrate.

Duty of the Armourer

And be it likewise Enacted, That from and after the End of this Session of Assembly, the Armourer, Smith, Gunner, or other Person or Persons employed in taking care of the Arms and Ammunition, cleaning or repairing the said Arms, shall be paid Twenty-five Pounds, Sterling Money, annually, and no more, by the Treasurers of this Province, out of the Fund raised by Virtue of this Act, for his or their Service or Services.

His Salary p. 48

This Act to continue until the Twenty-ninth Day of September, which shall be in the Year One Thousand Seven Hundred and Forty-eight, and no longer.

Continuance of this Act

An Act for the Enlargement of Baltimore Town, in Baltimore County, and other Purposes therein mentioned.

Chapter XXI

Whereas the Inhabitants of Baltimore Town, in Baltimore County, by their humble Petition to this General Assembly, have set forth, that there is between what was formerly called Jones's Town and Baltimore Town, a Parcel of Land, of about Eighteen Acres, which is not included in what was called Jones's Town, nor in Baltimore Town, and which by being laid out into Lots, would, by means of a Bridge, which is already built, reduce the said Places into One, and that making such Addition, would be an encouragement to People to build and improve; they therefore pray that the said Eighteen Acres of Land, or thereabouts, may be laid out into Lots, and made a Part of Baltimore Town: And further, the said Petitioners set forth, that sundry of the Lanes and Alleys of Baltimore Town were made so narrow as to render them inconvenient, if not useless; wherefore they pray, that by Consent of the Owners of Lots in said Town, the said Lanes and Alleys may be enlarged.

Preamble

SessionLaws
Eighteen
Acres added
to Baltimore
Town

Be it therefore Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Commissioners of the said Baltimore Town, or the major Part of them, do at any Time they shall see convenient, before the first Day of December next, cause the said Eighteen Acres of Land to be surveyed and laid out into Lots, in such Manner as to them shall seem convenient; and that when the same shall be so done, it shall be, and is hereby declared to be Part of Baltimore Town aforesaid, to all Intents and Purposes whatsoever, as fully and amply as if included originally therein, and have the same Immunities and Privileges as the rest of said Town have, or by former Laws ought to have. And any Person or Persons that shall build or improve on the said Eighteen Acres of Land, or thereabouts, after the same shall be laid out into Lots, as by former Laws relating to said Town is directed, and purchase the same from the Proprietor or Proprietors, shall have an absolute Estate of Inheritance in any Lot or Lots so to be built on and purchased; but the Purchaser or Purchasers of any Part of the said Eighteen Acres, or thereabouts, are hereby left to agree with the Proprietor or Proprietors thereof, and not otherwise, to have Title to any the said new Lot or Lots, to be laid out in Virtue of this Act.

Power to the
Commissioners to
alter Lanes
&c.

And be it further Enacted, That the Commissioners of the said Town for the Time being, or the major Part of them, shall have full Power and Authority, with the Consent and Approbation of the Owners of any Lot or Lots already laid out in said Town, to alter any Lanes or Alleys they shall think fit, and to widen the same, so as to render them Commodious. And whereas it may be Advantageous to said Town, to have Fairs kept therein, and may prove an Encouragement to the back Inhabitants and others to bring Commodities there to sell and vend;

Two Fairs
to be
annually
held there

Be it Enacted, That it shall and may be lawful for the Commissioners of said Town to appoint two Fairs to be held therein annually; the one Fair to begin on the first Thursday of October, and the other on the first Thursday of May annually; which said Fairs shall be held each for the space of three Days, and that during the continuance of such Fair or Fairs, all Persons within the Bounds of said Town, shall be privileged and free from Arrests, except for Felony or Breach of the Peace. And all Persons coming to such Fair or Fairs, or returning therefrom, shall have the like Privilege for one Day before the Fair, and one Day on their Return therefrom; and the Commissioners for the said Town, are hereby empowered to make such Rules and Orders for the Holding the said Fair, as may tend to prevent all Disorders and Inconveniencies that may happen in said Town, and such as may tend to the Improvement and Regulating of said Town in general, so as such Rules, except in Fair-time, affect none but the Livers in said Town, or such Person or

Priviledges
granted to
Persons
coming and
going from
said Fair

Persons as have or shall have Lots or a Freehold therein; any Law, Session Laws Statute, Usage, or Custom to the Contrary notwithstanding. Provided Always, That such Rules and Orders be not inconsistent with the Laws of this Province, nor the Statutes or Customs of Great-Britain.

And be it further Enacted, That the Commissioners for the said p. 49 Town, or the major Part of them, from time to time, and at all times, have Power to remove all Nusances that they shall find in any the Streets, Lanes, or Alleys of said Town. And for Prevention of any Damage by Fire in the said Town,

Be it Enacted, That any Inhabitant therein, who shall after the first Day of December next ensuing, permit his, her, or their Chimney to take Fire, so as to blaze out at the Top, shall forfeit and pay the Sum of Ten Shillings current Money for every such Offence; and any Person having a House in the said Town with a Chimney, and in Use, who shall not after the said first Day of December, keep a Ladder high enough to extend to the Top of the Roof of such House, shall also forfeit and pay Ten Shillings current Money; which said Fines shall be recovered by, and in the Name of, the said Commissioners, or the major Part of them, before a single Magistrate, as in the Case of small Debts; and when recovered, shall be appropriated by the said Commissioners, or the major Part of them, to some Building or Improvement in the said Town, such as to the Repair of the Bridge, or making and repairing a publick Wharff; and that their Clerk keep an exact Account of all Fines arising by this Act, and how the same shall have been disposed of.

Fine for not
providing
Ladder

Provided Nevertheless, That this Act, nor any Thing herein contained, shall extend, or be construed to extend, to enable or capacitate the said Commissioners or Inhabitants of the said Town, to elect or choose Delegates or Burgesses to set in the General Assembly of this Province as Representatives of the said Town.

But it is hereby Enacted, That the Commissioners or the Inhabitants of the said Town shall not elect or choose any Delegate or Delegates, Burgess or Burgesses, to represent the said Town in any General Assembly of this Province.

An Act for Repairing and Amending the Public and County Goal Chapter
in the City of Annapolis. XXII

Whereas it is represented to this present General Assembly, That the Public and County Goal in the City of Annapolis, is in a decaying Condition, and in many Parts requires repairing:

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of Anne-Arundel County Court for the Time being, or the major Part of them, shall be, and

Session Laws they are hereby authorized and empowered to agree and contract
 Workmen to with any Workman or Workmen, to compleat and finish the neces-
 be con- sary Repairs of the said Goal, for any Sum not exceeding One
 tracted with Hundred Pounds Current Money; which said Sum, so contracted
 by the Justice of Anne- for with any Workman or Workmen, shall be raised, levied, and
 Arundel assessed in Manner following, that is to say, One full Third Part of
 County the Sum contracted for as aforesaid, with the Sheriff's Salary of
 Court Five per Centum included, shall be assessed by the Justices of Anne-
 Arundel County, and they are hereby empowered and required to
 assess the same at their next November Court, on the taxable In-
 habitants of the County aforesaid; and the same when raised, to
 apply to the Purpose aforesaid: And the other two Thirds of the
 Sum contracted for as aforesaid, shall be allowed and inserted in the
 Journal of Accounts, when the Work aforesaid shall be finished
 and compleated, and paid and discharged as other public Dues and
 Payments are.

Sheriffs And be it Enacted, That when the Sum so as aforesaid contracted
 directed to for, shall be assessed, levied, and collected, the several and respec-
 whom to pay tive Sheriffs within this Province, shall pay the same, or such Part
 the Money thereof as they shall respectively receive, to the Justices of Anne-
 Arundel County aforesaid, or their Order, to be applied to the Pur-
 pose aforesaid.

Justices to And be it further Enacted, That the Justices of Anne-Arundel
 lay their County aforesaid, shall be, and they are hereby required to lay be-
 Account fore the next General Assembly which shall happen after the com-
 before the pleating and finishing the Repairs aforesaid, a fair, full, clear and
 Assembly distinct Account of their Agreement or Contract with such Work-
 man or Workmen, and the Sum by them to be paid for such Repairs
 and Amendments, in Order that an Allowance be made in the Jour-
 nal, as is before directed.

Chapter An Act to prevent Evils arising from the Entering up Judgments
 XXIII upon Bonds, commonly called Judgment-Bonds, to direct the
 Manner of issuing Executions on Loan-Office Bonds, and to regu-
 late certain Fees therein mentioned.

Preamble Whereas it has been the Practice to take Bonds with Power con-
 tained in the Condition of such Bonds, upon Non-Payment, to any
 Attorneys practicing in any Court of Record within the Dominion
 of Great-Britain, to confess Judgment, and thereupon, without any
 previous Process, Judgments have not only been confessed in the
 Provincial and County Courts of this Province, but also out of
 Courts, before a single Magistrate, and Executions have issued
 thereon, to the great Damage of many People, who, in case Capias
 had issued, and they had Time to plead to such Bonds, many good
 Reasons might have been pleaded against the same: For Preven-
 tion of which Evils for the future, it is humbly prayed that it may
 be Enacted;

And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the End of this Session of Assembly, it shall not be lawful for any Attorney practicing now, or who shall hereafter practice Law in any Court of Record within this Province, or any other Person whatever, to confess a Judgment either in Court, or before one or more Justices of such Court or Courts, out of Court, for any Sum or Sums of Money, or Tobacco, or other Matter, by Virtue of any Power or Powers of Attorney, either separate or contained in any such Bonds, commonly called Judgment-Bonds, which shall be taken or executed after the End of this Session of Assembly; nor shall it be lawful for the Justices of any Court of Record within this Province, to give Judgment upon any such Bonds by virtue of any such Power or Powers.

Session Laws
Judgments
not to be
confess'd by
Attorneys,
on Judg-
ment Bond,
taken after
the end of
the Session
out of Court

And whereas by an Act, entituled, An Act for emitting and making current Ninety Thousand Pounds, Current Money of Maryland, in Bills of Credit, it is amongst other Things therein Enacted, That the said Commissioners or Trustees, or any two of them, may take Bonds or other Obligations, of able and sufficient Persons, for any of the said Bills of Credit, at the Interest of Four Pounds per Cent. per Annum, and so in Proportion for a greater or lesser Sum, payable at such Time as shall be agreed on; which Bonds or Obligations shall be payable to the Commissioners or Trustees, or their Successors, and shall be of the same Force and Effect to all Intents and Purposes, as Statutes Merchant or of the Staple, and shall and may be proceeded on accordingly; whereby it is evident there need no Judgments be entered up, or confessed upon such Bonds, which makes the Expences thereof burthensome and grievous to the Parties: For Prevention of such Evil for the future,

Preamble
regarding
the Loan
Office

Be it Enacted, by the Authority, Advice, and Consent aforesaid, That from and after the End of this Session of Assembly, when any Person or Persons who have passed, or shall during the Continuance of the Act aforesaid, pass any Bond or Bonds for any Sum or Sums in the said Bills of Credit, to the said Commissioners heretofore, or for the Time being, and fail in Payment, and Need may require suing any such Bond or Bonds for the better securing the Sums due, it shall and may be lawful for the said Commissioners or Trustees for the Time being, to cause the Clerk of the Provincial Court to enter such Bond in the Records of the said Court, and thereupon make an Order signed by them the said Commissioners, or Trustees for the Time being, to said Clerk, to make out such Execution as they shall judge proper against the Body, Goods or Chattels, Lands and Tenements, Rights or Credits, of such Debtor or Debtors, their Surety or Sureties; which Order likewise shall be entered with such Bond in the Records aforesaid, by the said Clerk. And the Clerk of

p. 51

Commis-
sioners to
give Orders
to the Clerk
of the
Provincial
Court

SessionLaws the Provincial Court for the Time being, shall, and he is hereby obliged, authorized and directed to enter such Bond and Order, and immediately thereupon to make out such Execution as shall be required under the Hands of the said Commissioners for the Time being, and directed to such Sheriff, Coroner, or other Officer or Officers, as the Case may require; and such Sheriff or Sheriffs, Coroner or Coroners, or other Officer or Officers, as the Case shall or may require, are hereby impowered and directed to execute the same in common Form, as such Writs or Executions usually have been, should, or ought to be executed.

Bonds not to be effected by Act of Limitation by any Act for Limitation of Actions within this Province, but that such Bond or Bonds so taken or to be taken by the said Commissioners or Trustees, shall remain, and be good and effectual in Law, during the Continuance of the Act, entitled, An Act for Emitting and making Current Ninety Thousand Pounds, Current Money of Maryland, in Bills of Credit; any Law, Statute, Usage or Custom to the contrary notwithstanding.

Officers not to extort Fees And be it Enacted, That from and after the End of this Session of Assembly, it shall not be lawful for any Sheriff or Coroner, to charge to, or take from any Person or Persons within this Province, any other or greater Execution Fee than such as shall arise on what shall be really due on such Bond or Bonds. And for Prevention of exorbitant Fees being taken by Attorneys practising in any Courts of Record within this Province, and of Clerks from multiplying Suits in the County Courts,

Be it likewise Enacted and Declared, That from and after the End of this Session of Assembly, it shall not be lawful for any Attorney practising within this Province, to charge or take more than one Fee for or upon any Bond or Bonds whatsoever, altho' there shall or may be one or more Surety or Sureties in such Bond or Bonds for suing or bringing the same to Judgment and Execution, or for Defence of the same Action, rating such Fee or Fees from the real Ballance due and owing upon the Sum mentioned in the Condition of such Bond or Bonds.

County Clerks not to issue more than one Declaration against them And be it further Enacted by the Authority aforesaid, That from and after the End of this Session of Assembly, it shall not be lawful for any County Clerk within this Province, to issue or make out any more than one Writ or Declaration on such Bond or Bonds, wherein the Principal and Surety or Sureties reside in one and the same County; but that in all such Cases one Action only shall be founded on such Bond or Bonds; which Suit shall not abate during

the Life of any one of the Defendants, and the Clerk's Fees arising thereon, shall be chargeable accordingly, and not otherwise. Session Laws
Separate
Process to
issue where
they live in
different
Counties

Provided Always, That in all Actions hereafter to be commenced in the Provincial Court on such Bond or Bonds where the Principal and Surety or Sureties therein, reside in different Counties, in such Case, separate Process shall and may issue thereon; but that where any Two of the Parties to such Bond or Bonds reside in one and the same County, one Writ only shall issue to such County, including both Defendants Names therein; and all Fees arising thereon shall be chargeable as one Suit only, and not otherwise.

Provided Always, That nothing herein contained, shall extend, or be construed to extend to any Action or Suit where the Plaintiff shall give Directions to any Attorney or Attorneys to commence several Actions, or where a Titling or Tittlings shall be sent to the said Office or Offices, for the suing of several Writs on one and the same Bond. Proviso
p. 52

An Act repealing an Act of Assembly, entitled, An Act to enable the Rector, Vestrymen, and Church-wardens for the Time being, of St. Anne's Parish, in Anne-Arundel County, to lease certain Lots in the City of Annapolis, in Manner and to the Uses therein mentioned; and to enable the said Rector, Vestrymen, and Church-wardens, to lease certain Lots of Land within the said City of Annapolis. Chapter
XXIV

Whereas the Rector, Vestrymen and Church-wardens of St. Anne's Parish, in Anne-Arundel County, have, by their humble Petition to this General Assembly, set forth, That by an Act of Assembly made and passed at a Session of Assembly begun and held at the City of Annapolis, on the Twenty-first Day of September, Seventeen Hundred and Forty-two, entitled, An Act to enable the Rector, Vestrymen, and Church-wardens for the Time being, of St. Anne's Parish, in Anne-Arundel County, to lease certain Lots in the City of Annapolis, in Manner and to the Uses therein mentioned, Power was given to lease the Lots in the said City, numbered respectively Fifty-nine, Sixty, Sixty-one, for three Lives or Twenty-one Years, as by the said Act may appear. And further they set forth, that tho' they have since the passing the aforesaid Act, spared no Pains to find Tenants for the said Lots under the said Act, that such Endeavours have proved ineffectual, by Reason of the short Limitation of Time for which they could make such Leases; they therefore beg Leave to bring in a Bill to repeal the aforementioned Act, and to enable them and their Successors to lease the said Lots for the Term of Sixty-three Years, and from the End of the said Term, to grant new Leases for Twenty-one Years or three Lives, to the same Uses and Purposes as in the said recited Act is mentioned. Preamble

Session Laws Be it therefore Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the before recited Act of Assembly, entitled, An Act to enable the Rector, Vestrymen, and Church-wardens for the Time being, of St. Anne's Parish, in Anne-Arundel County, to lease certain Lots in the City of Annapolis, in Manner and to the Uses therein mentioned, be, and is hereby abrogated, made Null and Void, as if it never had been made.

Former Act repealed
Power to Lease for 63 years
And be it further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That from and after the End of this present Session of Assembly, it shall and may be lawful for the Rector, Vestrymen, and Church-wardens of the said Parish for the Time being, to grant, lease, demise, and to Farm let, to any Person or Persons willing and capable to take the same aforesaid Lots of Land, numbered Fifty-nine, Sixty, Sixty-one, or any, or either of them, or any Part of either of them, by Deed indented under the Hands and Seals of the said Rector, Vestrymen, and Church-wardens for the Time being, or the major Part of them, and on such Conditions, Covenants, Provisions, Agreements, and yearly Rents, as the said Rector, Vestrymen, and Church-wardens for the Time being, or the major Part of them, and the Person or Persons who shall from time to time be willing and desirous to take the same, or any of them, or any Part of either of them, shall agree upon, for any Term not exceeding Sixty three Years.

After Lease expires, to grant new Leases
And be it further Enacted by the Authority aforesaid, That the Rector, Vestrymen, and Church-wardens for the Time being, have full Power and Authority after the Expiration of the said Term, to grant new Leases of all or any the said Premises, for the Term of Twenty-one Years, or three Lives, to the Uses, Intents, and Purposes in this Act mentioned, and to no other; and for a shorter Time, as to them, or the major Part of them, for the Time being, shall seem convenient.

Rents to whom to be paid
And be it further Enacted and Declared, That the yearly Rents, Revenues, and Profits of the said mentioned Premises, and all and every Part of them, be, and are hereby declared to belong to the Incumbent of said Parish, for the Time being, for his sole and separate Use and Benefit, and to no other Use, Intent or Purpose whatsoever.

Renewing of Leases
And be it further Enacted, That when any of the said Leases or Demises shall expire or determine, if the Incumbent for the Time being, or any Person or Persons on his Behalf, shall ask, demand, and receive of and from any Person or Persons whatsoever, either directly or indirectly, any Sum or Sums of Money, or other Goods or Effects, as a Fine or Fines for the granting a new Lease or Demise of any the before-mentioned Premises, or any Part of them,

which in Value exceeds one Year's Rent, in such new Lease or De- Session Laws
mise to be reserved, that then, and in such Case, the new Lease or
Demise so to be made, shall be Void, and of none Effect, as if the
same had never been made.

And be it further Enacted by the Authority aforesaid, That if a
Vacancy shall happen in the said Parish, for want of an Incumbent,
that then, and in such Case, it shall and may be lawful for the Ves- Application
of the
Rents when
no Incum-
bent
trymen and Church-wardens of the said Parish, for the Time being,
or the major Part of them, to ask, demand, and receive of and from
such Person or Persons from whom the same shall be payable, the
several Rents to be reserved as aforesaid, accruing due during a
Vacancy; and the same shall be applied by such Vestrymen and
Church-wardens for the Time being, or the major Part of them, to
the same Uses and Purposes as the Forty per Poll on the like Occa-
sion, is by former Laws applied; and in Case any Lease to be made
of any the aforesaid Premises, shall during such Vacancy, expire,
cease, or determine, that then, and in such Case, it shall and may be
lawful to and for the Vestrymen and Church-wardens of the said
Parish, for the Time being, to renew or lease again the same, in the
same Manner, and to the same Uses and Purposes, and under the
like Restrictions as are herein before set forth concerning Lease or
Leases to be made by the Incumbent, Vestrymen, and Church-
wardens of said Parish; any Law, Statute, Usage, or Custom to the
Contrary notwithstanding.

Provided Always, That nothing in this Act contained, shall be Proviso
construed to make void or invalid any Lease or Leases, or Contracts
now subsisting, or heretofore entered into by the Rector, Vestrymen,
and Church-wardens of said Parish, with any Person or Persons;
but that the same, if any such, be, and remain in full Force and
Vigour, as if this Act had never been made.

And be it further Enacted by the Authority aforesaid, That all
Lease or Leases to be made by the aforesaid Rector, Vestrymen, and Leases to be
recorded by
the Register
Church-wardens, or the major Part of them, or in case of a Vacancy,
by the Vestrymen and Church-wardens, or the major Part of them,
shall and are hereby directed to be registred by the Clerk or Register
of the Parish aforesaid, within the Space of three Months after the
Date of any such Lease or Leases, at the Request of the Lessee or
Lessees: And that the same Lease or Leases be entered Word for
Word in the Register Book of said Parish; that such Register re-
ceive and take as a Reward for so Registering such Lease or Leases,
for each a Fee, of Five Shillings, Current Money of Maryland, and
no more. And that in case Copy of any such Lease or Leases should
be required by any Person, that then the Register for the Time
being, take the like Reward, and no more. And in Case of any Suit
touching such Lease or Leases, then an Attested Copy of such Lease
or Leases, attested by such Register or Registers, shall be as good

Session Laws Evidence on either Side, as if the original Lease or Leases should be produced; and in cases of these Leases, no Acknowledgment shall be requisite; but Leases made for the Premises aforesaid, or any Part of them, shall be as effectual made in Pursuance of this Act, as if no other Law had Relation to them; any Law, Usage, or Custom, to the Contrary notwithstanding.

Chapter XXV An Act for raising a Duty of Three Half Pence Sterling per Hogshead on all Tobacco exported out of this Province for the Use of the Governor.

Preamble Whereas his Lordship the Right Honourable the Lord Proprietary, has been pleased to constitute and appoint his Excellency Samuel Ogle, Esq; his Lieutenant Governor in and over this his Province of Maryland, to whom we yield all due Deference; and the better to demonstrate the good Respect we have for and towards the said Samuel Ogle, Esq; our present Governor, and the great Hopes and Expectations we have of his Excellency's good and mild Government over us, we most humbly pray that it may be Enacted;

Duty, what and how to be paid And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That an Imposition of Three Half-pence Sterling per Hogshead, over and above the Duties already imposed on the Export of Tobacco, upon all Tobacco that shall be exported out of this Province, after the last Day of this Session of Assembly, by Land or by Water, and Three Half-pence Sterling upon every Three Hundred Pounds of Tobacco, be it in Chest or Case, to be paid by the Master of every Ship or Vessel, or other Person trading into or living in this Province, in Sterling Money, or Bills of Exchange, at the Election or Choice of the said Master, or others, to be collected by the Naval Officer of the Port or District where such Ship or Vessel shall Enter, and to be paid by the Naval Officers aforesaid, to his Excellency Samuel Ogle, Esq; his Lordship's Governor in and over this Province, for his proper Use and better Support.

In Case of Loss, &c. And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That if any Tobacco shall by any Casualty be lost after the aforesaid Imposition paid, that then and in all such Cases, the Owner or Owners of any such Ship or Vessel, or other Person paying the same, shall have free Liberty to freight and ship off the like Quantity without paying the said Three Half-pence.

Duration of this Act This Act to continue until the Twenty-ninth Day of September, which shall be in the Year One Thousand Seven Hundred and Forty-eight.

In Case of Death or Removal Provided Always, That if the said Samuel Ogle, Esq; shall die, or be removed from being Governor of this Province, before the said

Twenty-ninth Day of September, Seventeen Hundred and Forty-eight, that then this Act shall cease from the Time of the said Death or Removal; any Thing herein before contained to the contrary notwithstanding.

An Act for continuing an Act of Assembly of this Province, entitled, An Act ascertaining the Gauge and Tare of Tobacco Hogsheads, and to prevent cutting, cropping and defacing Tobacco taken on board Ships or Vessels upon Freight.

Chapter
XXVI

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the above mentioned Act, entitled, An Act ascertaining the Gauge and Tare of Tobacco Hogsheads, and to prevent cutting, cropping, and defacing Tobacco taken on board Ships or Vessels upon Freight, made at a Session of Assembly, begun and held at the City of Annapolis, the Twentieth Day of April, Anno Domini Seventeen Hundred and Thirty-six, be, and is hereby continued to be and remain in full Force until the first Day of December, which shall happen in the Year of Our Lord Seventeen Hundred Forty and Eight.

Continuation of an Act

An Act reviving an Act, entitled, An Act for the speedy and effectual Publication of the Laws of this Province, and for the Encouragement of Jonas Green, of the City of Annapolis, Printer, and to other Purposes therein mentioned.

p. 55
Chapter
XXVII

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of the several and respective County Courts of this Province, shall, and are hereby impowered and directed to make an Additional Allowance of Five Pounds Current Money to the said Jonas Green, in the Levy to be laid for such respective County after this present Session of Assembly (with the Sheriff's Commission for Collecting the same, at the Rate of Five Pounds per Centum) which shall be collected by the Sheriff of each respective County, and yearly paid by him, free from all Charges of Collection, to the said Jonas Green, or his Order, for the Printing, Stitching, and Delivering within the Space of Six Months from the End of this present Session, a Copy of the Votes and Proceedings of the Lower House of Assembly, made this present Session, and every other Session or Sessions of Assembly or Convention which shall yearly happen, within the Space of Four Months from the End of every future Session or Convention during the Continuance of this Act, to the Governor, and every Member of the Upper and

Additional Allowance of 5 l. in each County, to Jonas Green, in Consideration of additional Duty

Session Laws Lower Houses of Assembly, and the Clerk of each House, and three Books of the Votes and Proceedings aforesaid, to the Clerks of the several and respective County Courts, for the Perusal of the Inhabitants of the several and respective Counties; and also for the printing, stitching, and delivering a Copy of the public Laws, during the Continuance of this Act, to every Provincial Magistrate.

In Case of a Session or Convention, &c. Provided Nevertheless, and it is the true Intent and Meaning of this Act, That if it shall so happen that there shall not be a Session of Assembly or Convention in any one Year, during the Continuance of this Act, that then and in every such Case, it shall not be lawful for the Justices aforesaid to assess the Five Pounds Current Money, mentioned in this Act for any such Year, where it shall so happen that there shall not be any Session of Assembly or Convention; any Thing in this Act to the Contrary notwithstanding.

Sheriffs how to pay Provided Also, That it shall and may be lawful for the Sheriffs of each respective County, and they are hereby required not to pay to the said Jonas Green, the said Sums of Money mentioned in this and the before recited Act, or any Part thereof, to be assessed and levied for his Use, unless it shall be made appear to them by a Certificate from the Clerk of each respective County; (which said Certificate shall be given by the Clerks without Fee or Reward) that the public Laws, together with the Votes and Proceedings of this present Session, shall be printed and delivered in Manner and Form as by this and the before recited Act is directed, within the Space of Six Months from the End of this present Session, and the Votes and Proceedings of every future Session or Convention, within the Space of Four Months from the End of every such future Session or Convention; any Thing in this or the before recited Act to the contrary in any wise notwithstanding.

Laws, &c. to be forwarded as Public Letters And be it further Enacted by the Authority aforesaid, That the several and respective Sheriffs within this Province, shall, and they are hereby directed and required to receive and forward the said Laws, with the Votes and Proceedings aforesaid, to the Clerks of the several County Courts, and the Members of each House of Assembly, as public Letters are by the Laws of this Province directed to be forwarded.

Duration And be it further Enacted by the Authority aforesaid, That the said recited Act made at a Session of Assembly, begun and held at the City of Annapolis, on Tuesday the first Day of May, Anno Domini One Thousand Seven Hundred and Forty-four, be, and is hereby revived, and shall continue, remain, and be in full Force, together with this present Act, until the Twenty-fifth Day of December, which shall be in the Year of Our Lord One Thousand Seven Hundred and Forty-eight, and no longer.

An Act for the Assessment and Payment of the Public Charge of this Province.

Session Laws
p. 56
Chapter
XXVIII
Preamble

Whereas there are the Sums of Twelve Hundred and Thirty-three Pounds One Shilling and Six-pence, Current Money, and Two Millions Six Hundred Seventy-four Thousand Four Hundred and Fourteen Pounds of Tobacco, due from the Public of this Province to the several Creditors thereof, as appears by the Journals of Accounts assented to by both Houses of this present Session of Assembly: For the Discharge and Payment whereof,

Be it Enacted by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Sum of Twelve Hundred Thirty-three Pounds One Shilling and Six-pence Current Money aforesaid, be paid by the Treasurers of this Province out of the public Money in their Hands, to the several and respective Creditors mentioned in the said Journals of Accounts, and who have Credits given them in said Journals, in Money; and that the Clerk of the Lower House of Assembly give Certificates to the several and respective Money-Creditors on said Journals; and on producing such Certificate or Certificates to the said Treasurers, or either of them, they shall pay the several Sums to be mentioned in said Certificate or Certificates, to the Parties entitled thereto; and that the Quantity of Two Millions Six Hundred Seventy-four Thousand Four Hundred and Fourteen Pounds of Tobacco, together with a Salary of Ten Pounds per Centum thereon for Collection, to the several Sheriffs who shall collect and pay the same, shall be assessed and levied from the several taxable Inhabitants of this Province, by an equal Levy or Assessment this Year.

Money-
Creditors
to be satis-
fied by the
Treasurer

And be it further Enacted by the Authority aforesaid, That the Honourable Benjamin Tasker, Esq; Edmund Jenings, Esq; Col. Charles Hammond, Philip Thomas, Esq; Daniel Dulany, Esq; and Col. Benjamin Tasker, of the Upper House, and that the Honourable Col. Edward Sprigg, Dr. Charles Carroll, Major Thomas Sheredine, Mr. Thomas Worthington, Mr. Turnor Wootton, and Major Henry Hall, of the Lower House of Assembly, or the major Part of them, be, and are hereby appointed a Committee, to meet together at the City of Annapolis, on the first Tuesday of October next, then and there to assess and apportion the aforesaid Quantity of Tobacco, with the Salary aforesaid thereon, by even and equal Portions, on the taxable Inhabitants aforesaid, and particularly to order and direct how much thereof shall be levied and collected by the Sheriff of each respective County, and to what Persons, being public Creditors, the respective Sheriffs shall pay the same; and a fair Journal of all and singular their Proceedings in the Premises, to make and deliver to the Clerk of the Lower House of Assembly, to be laid

Commis-
sioners
Appointed

SessionLaws before the next General Assembly thereafter to be held for this Province.

Recital of a former Law for levying Money And whereas by an Act of Assembly, entitled, An Act for issuing and paying out of the Office of the Commissioners or Trustees for emitting Bills of Credit, established by Act of Assembly, the Sum of Two Thousand Five Hundred and Sixty-two Pounds Ten Shillings, Current Money, in Bills of Credit, for the encouragement of Persons voluntarily inlisting themselves in His Majesty's Service, it is Enacted, That the said Sum of Money was to be assessed on the taxable Inhabitants of this Province, in the publick Levy, in three different Years, by three equal Portions, that is to say, One Third Part to be assessed in the Public Levy, which should be in the Year of our Lord One Thousand Seven Hundred and Forty-one; and the other Two Third Parts in the two succeeding Years severally.

What yet remains due And whereas there is still remaining one Payment more to be made to the said Commissioners to compleat the said Sum of Two Thousand Five Hundred and Sixty-two Pounds Ten Shillings Current Money in Bills of Credit, to be taxed on the taxable Inhabitants of this Province, in the Public Levy, this Year.

p. 57 To be now Asses'd Be it Enacted by the Authority aforesaid, That the said Committee, or the major Part of them, shall settle and assess the remaining Part of the said Sum of Money, as shall appear to them to be still due to the Commissioners aforesaid, according to the Directions of the said recited Act, on the taxable Inhabitants aforesaid, by equal Portions, in the same Manner as is by the said Act directed to be assessed and apportioned.

Directions to the Sheriffs in Payment And be it further Enacted, That the several and respective Sheriffs aforesaid, shall, and are hereby obliged to collect and levy so much of the aforesaid Sums of Money and Tobacco as to them shall respectively by the Committee aforesaid be appointed, and the same to pay to the several Persons, and in such Proportion as by the said Committee, or the major Part of them, shall be directed.

And be it further Enacted by the Authority aforesaid, That the said Sums and Quantity of Tobacco, shall and may be collected and levied by way of Execution, in such Manner as the County Levies are usually collected: Always saving to the good People of this Province, their Right in discharging the Tobacco Assessments in Current Money as by the Laws of this Province are provided.

Chapter IV
Liber B. L. C.
p. 402 An Act to Remedy some Defects in an Indenture of Bargain and Sale made and Executed by Michael Curtis and Sarah his Wife late of Saint Marys County Deceased to Charles Carroll Esq^r late of the City of Annapolis deceased.

p. 403 Whereas Charles Carroll Eldest son and Heir at Law unto the said Charles Carroll Esq^r deceased Hath by his Humble Petition set

forth and by sufficient Evidence made appear that Michael Curtis and Sarah his Wife late of Saint Mary's County Deceased in Right of which Sarah the said Michael was Seised of Saint Clements Mannor Bashford Manour and Westwood Manour lying and being in Saint Mary's and Charles Countys and of Several other Lands and Tenements lying in the said County of Saint Marys, Charles and other Counties within this Province and Colony of Virginia and Elsewhere Did for and in Consideration of the sum of Six hundred Pounds Sterling by Indenture of Bargain and Sale bearing date the Eighteenth day of May in Year of our Lord One Thousand Seven hundred and Eleven Convey the said Manours and all other the Manours Lands Tenements and Hereditaments whereunto the said Michael or Sarah had any Right Title Claim or Interest unto the said Charles Carroll deceased and his Heirs forever And whereas the said Deed was acknowledged before a Provincial Magistrate by Virtue of a Letter of Attorney the Execution of which Letter of Attorney altho not before the time of such Acknowledgement is now fully Proved and whereas also the Private Examination of the said Sarah was taken by one County Justice only, which ought to have been taken by a Provincial Justice or two County Justices according to the Directions of an Act of Assembly Passed at a Session of Assembly at the Town and Port of Annapolis the fifth day of September in the Year one thousand Seven hundred & four entitled an Act for Quieting Possessions enrolling Conveyances & Securing the Estates of Purchasers And Whereas it appears that the said Deed was Enrolled within Six Months after the Execution thereof according to the Direction of the said Act so that no fraud can Possibly be supposed or imagined in obtaining the same Wherefore in regard it clearly appears by incontestable Proof to this General Assembly that the before recited deed was Obtained fairly and without the least Colour or Foundacōn to suppose any instance of Fraud Surprize or Circumvention And Whereas he the said Charles Carroll hath Prayed this General Assembly that the same Leave and Indulgence may be granted to him as has been usually done in like Cases to others and that it may Be Enacted and be it Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of His Lordships Governour and the upper and Lower Houses of this Present General Assembly and the Authority of the same that the said herein Recited Indenture of Bargain & Sale shall from henceforth and to all intents and Purposes be deemed and taken to be Effectual and sufficient in the Law to Convey the said Manours and Lands therein mentioned any Defect or Defects whatsoever which may be in taking the Acknowledgment or Examination of any of the Parties thereto according to the Directions of the said Act of Assembly Passed in the Year of our Lord one Thousand Seven hundred & four, or any other Matter or thing to the Contrary in any wise notwithstanding, saving to His Lordship the Lord Pro- Session Laws

Session Laws proprietary His Heirs and Successors and to all Bodies Politic and Corporate and to all Persons other than to the Heirs at Law of the said Michael and Sarah Curtis and all other Persons Claiming by from or under them or either of them their several and Respective Rights to the said Manors and Lands or any Part or Parcell thereof

Chapter VIII
p. 406 An Act Enabling and requiring the Clerk of Baltimore County Court to Record a Deed of Bargain and Sale from Morgan Murray to Mary Stevenson & the making Valid the same

Whereas William Barney of Baltimore County by his Humble Petition to this General Assembly set forth that he is son & Heir to Elizabeth Barney late of said County deceased and that a Certain Morgan Murray late of said County deceased was seized in fee as the Petitioner supposes of the one Moiety of a Tract of Land in said County called Morgan's Delight and Conveyed the same to a Certain Mary Stevenson the same Moiety being one Hundred and Fifty acres that the said Mary Stevenson by deed of Gift gave the same to the said Elizabeth Barney that on the fifteenth day of January in the Year of our Lord Seventeen hundred & Seventeen the said Morgan Murray for a Valuable Consideration Actually Executed a Deed of Bargain & Sale for the said Land and Acknowledged the same before two of his Lordships then Justices of the Peace for the County aforesaid; Yet that from the Ignorance of the Grantees the said Deeds were never Recorded the truth of which allegations Sufficiently appear to this General Assembly, It is therefore Prayed that it may be Enacted And Be it Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of his Lordships Governour and the Upper and Lower Houses of Assembly and the Authority of the same, That the Clerk of Baltimore County Court do and shall at the Instance of the said William Barney record the aforesaid Deed of Bargain & Sale so as aforesaid Made & Acknowledged among the Land Records of said County at any time within the space of Six Months from and after the end of this Session of Assembly, and that when the same is so Recorded the same Deed & the Record thereof shall be as good and Valid in Law as if the same Deed had been Recorded as the Law directs within the space of six Months from the date thereof any Law usage or Custom to the Contrary notwithstanding Saving to his most Sacred Majesty his Heirs and Successors to the Right Honourable the Lord Proprietary his Heirs and Successors and to all Bodies Politick and Corporate and all others not mentioned in this Act their several and Respective Rights.

Chapter X
p. 408 An Act to cut of the Entail of two Hundred Acres of Land part of a Tract of Land called Saint Patrick's Hill lying in Charles County and to Invest Thomas Hussey Luckett with An Estate in

Fee Simple in the said Land and to Entail a Tract or Parcell of Land called Waidstones Enlargement and Part of a Tract of Land called Waidstone lying in Charles County aforesaid in Lieu thereof. Session Laws

Whereas Thomas Hussey Lockett, Jeremiah Adderton and Anne his Wife have by their Petition to this General Assembly set forth that on or about the Eighth Day of December in the Year of our Lord one Thousand Seven hundred and Fourteen a Certain Robert Price late of Charles County deceased made his last Will and Testament in Writing and amongst other Devises and Bequests therein Contained he made the following That is to say I give and Bequeath as followeth This is to say two hundred Acres thereof I give unto my Daughter Elizabeth and to the Heirs of her Body forever and for and on Default of such issue then to my Daughter Mary which God was Pleased to Bless me with by my second and Present Marriage to Her and Her Heires forever And Whereas the Petitioners have further set forth that Thomas Hussey Lockett aforesaid intermarried with Elizabeth aforesaid mentioned in the Will of the said Robert Price by whom he had issue Anne aforesaid Wife to the said Jeremiah Adderton and that the said Elizabeth is since Dead And Whereas the said Thomas Hussey Lockett is Possessed in fee Simple of Two Tracts or Parcells of Land lying in Charles County aforesaid the one Tract called Waidstone's Enlargement Patented for one Hundred Acres and the other being Part of a Tract of Land called Waidstone measuring one Hundred & Twelve Acres according to the Courses mentioned by the said Petitioners in their said Petition which said two Tracts called Waidstone's Enlargement and part of the Tract called Waidstone lye contiguous to the Tract of Land whereon the said Jeremiah Adderton and Anne his Wife now dwell and Contains a greater Quantity of Land and Consists of much better and less Cultivated Land than the said Two hundred Acres part of Saint Patricks Hill aforesaid and whereas the said Thomas Hussey Lockett in the Petition aforesaid hath set forth that he is Willing and Desirous to Exchange the said two Tracts or Parcells of Land called Waidstones Enlargement and Part of the Tract of Land called Waidstone for the Two Hundred Acres of Land part of the said Tract of Land called Saint Patricks Hill provided the Entail made as aforesaid might be cut of and Whereas the said Petitioners Thomas Hussey Lockett, Jeremiah Adderton & Anne his Wife have Prayed the Leave of this General Assembly to bring in a Bill to cut of the Entail of the said two Hundred Acres of Land Part of the Tract of Land called Saint Patricks Hill lying in Charles County aforesaid and that the said Thomas Hussey Lockett may be invested with the same Estate therein as the said Robert Price at the time of the Devise so as aforesaid made by him was Invested with and that the said two Tracts or Parcells of Land

Session Laws

p. 409

the one called Waidstones Enlargement Containing one Hundred Acres and the other being part of a Tract called Waidstone Containing by Measure one hundred and Twelve Acres may be Entailed according to the Intent of the said Testator Robert Price in the same Manner he intended the said two Hundred Acres part of the said Tract of Land called Saint Patricks Hill should be Entailed on the said Elizabeth and the Heirs of her Body for ever and on Default of such issue then to his Daughter Mary and Her Heirs for ever And Whereas the truth of the Facts Contained in the said Petition are made to appear to this General Assembly Therefore Be it Enacted by the Right Honourable the Lord Proprietary of this Province by and with the Advice and Consent of his Lordships Governour and the Upper and Lower Houses of Assembly and By the Authority of the same that the said Thomas Hussey Luckett be and hereby is Invested with an Absolute Estate in Fee simple of in and unto Two Hundred Acres of Land part of a Tract of Land called Saint Patricks Hill lying in Charles County and Formerly devised by Robert Price of Charles County to Elizabeth and Mary his Daughters in Manner aforesaid anything in the said Will or any Law Statute usage or Custom to the Contrary Notwithstanding Saving to his Most Sacred Majesty his Heirs and Successors to the Right Honourable the Lord Proprietary his Heirs and Successors and to all Bodies Politick and Corporate and all others not mentioned in this Act their several and Respective Rights Provided the said Thomas Hussey Luckett his Heirs or Assigns shall duly Convey unto the said Jeremiah Adderton and Anne his Wife and the Heirs of the Body of the said Anne forever and on Default of such issue to Mary the Daughter of the said Robert Price and her Heirs for ever all that Tract or Parcell of Land called Waidstones Enlargement Containing and Patented for one Hundred Acres of Land by a firm and Sufficient Conveyance in the Law with a General Warranty and shall also duly Convey in the Manner and to the uses intents and Purposes afores^d all that Tract or Parcell of Land being part of a Tract called Waidstone according to the following Courses that is to say Beginning at a Red Oak being the First Bound tree of the said Parcell of Land called Waidstone running South South East one hundred and fifty Perches to a Spanish Oak, then West South West fifty four Perches then North West two Degrees, West one Hundred and Four Perches then North West Twenty four Perches thence North North West till it Strikes a Line drawn West North West from the Beginning Measuring one Hundred & Twelve Acres by a firm and Sufficient Conveyance in the Law with a General Warranty And Be it Enacted by and with the Authority Advice & Consent aforesaid that the said Jeremiah Adderton and Anne his Wife and all Persons Claiming under the Will of the said Robert Price be and are hereby Vested with the same Estate in the said Tract or Parcel of Land called Waidstones Enlargement and all that Part of the Tract called Waid-

stone according to the Courses aforesaid as they would have had in Session Laws the said two Hundred Acres Part of Saint Patrick's Hill aforesaid if this Act had never been made anything in the said Will or any Law Statute Usage or Custom to the Contrary Notwithstanding.

An Act to Enable Onorio Razolini to Convey in Right of Elizabeth Chapter
Calvert an Infant to George Plater Esquire Certain Lands therein XX
mentioned.

Whereas Charles Calvert late of this Province Esquire dyed In- p. 418
testate leaving two Daughters named Anne and Elizabeth and his
Widow and Relict Rebeckah who obtained Letters of Administra-
tion of the Estate of her said deceased Husband and about a Year
afterwards also dyed Having before made her Testament and last
Will and thereof appointed Benjamin Tasker, George Plater Es-
quires and Onorio Razolini Gentleman Executors whom also she
Named as Guardian of her said Two Children Which said Will the
said George Plater and Onorio Razolini proved and (the said
Benjamin Tasker having renounced the Executorship) obtained
Letters Testamentary thereof And Whereas the said Charles Calvert
having in his lifetime Dealt with and remitted several sums of
Money to a Certain Samuel Hyde of London Merchant so that a
Ballance in Account was due to the said Charles Calvert at the time
of his Death the said Executors continued the Correspondence with
the said Samuel Hyde on account of the said Charles Calvert's Estate
whereby a Considerable Sum of Money amounting to near Six
Hundred Pounds Sterling became due to the said Estate from the
said Samuel Hyde who afterwards failed in his Credit and Declined
his Trade into this Province And Whereas the said George Plater
having also in his own Seperate Right had Dealings with the said
Samuel Hyde there became due to the said George Plater in his own
Right from the said Samuel Hyde a debt amounting to above one
Thousand nine Hundred Pounds Sterling And Whereas in Order
to secure the Payment of the said Several Debts the said George
Plater in his own Right as well as together with the said Onorio
Razolini as Executors aforesaid and for the Benefit of the said
Elizabeth the Daughter (the said other Daughter Anne having
dyed an Infant many Years before) issued Several Writs out of the
Provincial Court of this Province in Order to Obtain Attachments
against the Estate and Effects of the said Samuel Hyde But on
issuing such Writs the said George Plater for himself in his own
Right and the said Onorio Razolini for and on behalf of the said
Elizabeth Calvert entered into an agreement Purporting that what-
soever Effects of the said Samuel Hyde might be Condemned at
either of the said Suits should be shared Equally (that is to say)
that the said George Plater should have one moiety or half part and
the said George and Onorio Executors as aforesaid should have the

Session Laws other Moiety or half part and not in Proportion to their Claims And Whereas several Attachments were obtained in Pursuance of the said Writs and by Virtue of such of the said Attachments as were issued in the Name of the said George Plater only Several Negroes and other movable Effects and Estate belonging to the said Samuel Hyde were Attached and Condemned for the use of the said George Plater and also by Virtue of such of the said Attachments as were issued in the Name of the said Executors for the Benefit of the said Elizabeth Calvert Several Tracts and Parcels of Land were Attached and Condemned in the Name of the said Executors And Whereas the said Elizabeth Calvert in Virtue of the said agreement is intituled to some Part or Portion of the said Negroes and other Movable Effects or the Produce or Value thereof so Condemned for and in the Name of the said George Plater as aforesaid As also the said George Plater is intituled to some part or Portion of the Lands so Condemned in the name of the said Executors in

p. 419 Lieu and Satisfaction of such Part of the said Negroes and other movable Effects as the said George Plater shall either by an hereafter agreement or Judgment of any Court deliver or Pay for the Benefit of the said Elizabeth out of what has been Condemned in his Name as aforesaid But for as much as the said Executors in whose Names and at whose Suit the said Lands were so Condemned are only Trustees for the use and Benefit of the said Elizabeth who is still an Infant between Sixteen and Seventeen Years of age and Cannot Execute any Deed for Conveying any Part of such Lands to him the said George Plater and his Heirs By which means the said agreement cannot be Carried into Execution nor the Executors enabled as they are very Desirous to make up an Account of the said Estate, so that the same may be paid to the said Elizabeth or such Person or Persons as shall be thought Proper to receive the same It is therefore prayed that it may be Enacted And Be it Enacted by the Right Honourable the Lord Proprietary by and with the Advice and Consent of His Lordships Governour and the Upper and Lower Houses of this Present General Assembly and the Authority of the same that it shall and may be Lawfull to and for and the said Onorio Razolini is hereby authorized and impowered to make and Execute any Deed and Deeds which shall be Necessary for Conveying to the said George Plater and his Heirs any such Part of the said Lands as were Condemned as af^d in the Name of the said Executors and which shall be either agreed or adjudged to be Conveyed to the said George Plater and his Heirs in Satisfaction and Lieu of what of the said Negroes or Effects or the Value or Produce thereof shall be Delivered or paid by the said George Plater for the use and benefit of the said Elizabeth Calvert And it is hereby further Enacted by and with the Authority Advice and Consent aforesaid that all and every such Deed or Deeds made and Executed by the said Onorio Razolini in Pursuance and by Virtue of this Act shall be and be

Construed and Adjudged Sufficient and available in Law to all In- Session Laws
 tents and Purposes for the Conveying to the said George Plater and
 his Heirs all the Estate Right and Title whatsoever either in Law
 or Equity which the said Elizabeth now hath or may hereafter have
 in or to such Lands so to be Conveyed by Virtue of this Act And be
 it Enacted and Declared that nothing in this Act shall be Construed
 to divest the said Elizabeth Calvert of her right to her Personal
 Estate or any part thereof or any Remedy she may have in Law or
 Equity against the said Executors neither shall it bar the Creditors
 of the said Samuel Hyde against any remedy they by Law or Equity
 ought to have against the Effects of the said Samuel Hyde in the
 Hands of any Person whatsoever but that they may Proceed as if
 this Act had never been made.

PROCEEDINGS

OF THE

GENERAL ASSEMBLY OF MARYLAND

*At a Convention held at Annapolis, December 22, 23, 1747
of the Assembly Elected in 1745*

CHARLES CALVERT, LORD BALTIMORE,
Lord Proprietary.

SAMUEL OGLE,
Governor.

THE UPPER HOUSE OF ASSEMBLY

At a Convention of Assembly begun and held at the City of Annapolis on Tuesday the 22^d Day of December in the thirty third Year of his Lordships Dominion Anno Domini 1747

U. H. J.
Liber No. 34
1747
December 22
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Present

His Excellency Samuel Ogle Esq^r Governor

The Honourable	{	Benjamin Tasker Esq ^r	}	Daniel Dulany Esq ^r
		Co ^t George Plater		Co ^t Edward Lloyd
		Edmund Jenings Esq ^r		Co ^t Benjamin Tasker
		Co ^t Charles Hammond		

Mess^{rs} Carrol and Hall from the Lower house acquaint his Excellency they have a sufficient number of Members met and wait his Excellencys Commands

Co^t Lloyd and Co^t Tasker are sent to Acquaint the Lower house that his Excellency Requires the Speaker and the house to attend him immediately in the Upper house

The Speaker and the Lower house attended and His Excellency is pleased to make the following Speech

Gentlemen of the Upper and Lower houses of Assembly

As I am very Sensible of the Inconveniencies that attend Our meeting together at this Season of the Year It is with Great Reluctance that I call you from your Several Homes; but I thought it my

U. H. J. indispensable Duty to obey His Majestys Commands which I shall
 Liber No. 34 Lay immediately before you

You will perceive by the Extract from the Duke of Newcastle's Letter that his Majesty does not Expect any Money to be absolutely given by this Province, but only to be raised as a present Supply for Our own Levies; till such Time as the whole Expence of the American Troops can be laid before the Parliament of Great Britain, that Provision may be made for the Payment thereof.

And indeed It seems Necessary for the Security of the American Colonies in General, that all Possible Encouragement should be Given to People to Enter into his Majestys Service for should the French Prevail against those who are nearest to them the most Distant might soon feel the fatal Effects of such a Misfortune

p 212 This I make no Doubt you will take into your Serious Consideration, and Give it all the Attention that an affair of so much Importance Requires.

Extract of a Letter from his Grace the Duke of Newcastle to Governor Shirley Dated Whitehall 30 May 1747

His Majesty has been pleased to direct me to Signify to you his Pleasure that you should immediately appoint a meeting with Commodore Knowles at such Place as shall be agreed upon and Consider with him the Present State of Nova Scotia & Louis Bourg and take the Proper Measures for the Defence of those Places

It is his Majestys Pleasure that you should Endeavour to Compleat from Out of the Americans which are now Raised for his Majestys Service Sir William Pepperrells Regiment and Your Own Lieutenant General Phillips Regiment, is, I am afraid very weak I will however send him his Majestys Orders to send what Recruits can be got from hence; And you will also endeavour to have his Regiment Completed out of the Americans.

As it is his Majestys Intention that the Americans should be immediately Discharged Except only such few as are mentioned above the Manner of Discharging them, the Satisfaction for their Time &c must be left to Commodore Knowles and Yourself; the King however is perswaded you will do it as Cheap as Possible

And as these American Troops have done Little or no Service hitherto it is hoped they will not Expect to be Paid in the Manner they would have been, had they Actually been employed on Service but it seems highly Reasonable that such of the Troops as have Remained in the Provinces where they were Inlisted should be Contented with less pay than such of them as may have Marched into other Provinces.

When You and M^r Knowles shall have met and fully Considered the Service to be undertaken in the manner above Directed and

shall have agreed what number of Americans it will be necessary to keep in Pay for the Purpose It is his Majestys Pleasure that you should Procure an Account of the whole Expence incurred on Account of the American Troops, from the Time of their being Levied, to the Time of their Discharge and when the same shall be fully Adjusted and Liquidated, you will Transmitt to me with the Proper Vouchers, from the Several Governors, that it may be Laid before Parliament to the End that Provision may be made for the Payment; and in the mean time, in order to prevent any Complaint among the men that have been Inlisted (as well those that shall be Discharged, as those that shall Continue in Service) for want of immediate Pay you will Recomend it to the Governors of the Provinces where these Levies have been made, to Procure Credit from their Respective Assemblies for that Purpose, which his Majesty hopes may be done without any Difficulty

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It is also his Majestys Pleasure that M^r Knowles and You should Consider what number of Americans will be realy wanted for the Service above mentioned; and the King would have you Retain as many as may be absolutely necessary for that Service and no more, and the King hopes that a small number of Americans with his Majestys forces which you have, may be sufficient for the purpose; as the Expence of the Americans is very Great, and as [to] the Americans in General, except only such as may be wanted for the Service above mentioned It is his Majestys Pleasure that you in Conjunction with Commodore Knowles should thank them in such manner as you think Proper and immediately Discharge them upon the best and Cheapest foot you can; in order thereto you will Consult with the Respective Governors upon the manner of doing it: And you will Transmit to his Majesty, an immediate Account what You shall do therein. N. B. This Paragraph should have been inserted between the fourth and fifth Paragraphs

Cha : Knowles W. Shirley

Boston 10th October 1747

Sir The inclosed is an Extract from a Letter of the Duke of Newcastle to Governor Shirley Signifying his Majestys Commands to us, upon the Several Matters Contained in it; in Obedience to which, we must Desire you will be pleased to Transmit to Us by Return of this Express, or as soon after as you can Muster Rolls or Lists of the several Officers and Soldiers Raised within Your Government, for his Majestys Service in the Late intended Expedition against Canada (which his Majesty has Laid aside for the present) Distinguishing the Companies into which they were formed; with the Respective Times of every Officers Engaging into his Majestys Service and Days on which the Soldiers were inlisted into it, (which List may be best done by Attested Copies of the Enlistments themselves) also an Account of the Deaths of such of the Officers and

U. H. J. men which have happened since they Entered into the Service with
 Liber No. 34 the Respective Times when they happened and also the Dismissions
 p. 214 & Desertions of any of the Soldiers and Times of their being Dis-
 charged or Deserting together with the Account of the furloffs
 which have been Granted from Time to Time to the Soldiers or any
 of them; and for what Time as also upon what Command or Duty
 the Officers or men have been Respectively Employed Since the Time
 of their Entering into the Service together with a Muster Roll or
 list of the Officers and Respective Private Soldiers now Remaining
 in the service. All which Rolls Lists and Accounts we Desire may
 be Duly Certified by the Proper Officers under their hands upon
 Oath taken before Yourself and Attested by you also that you will
 Transmit to Us an Account of the Charges of the Cloathing Arms
 & Accoutrements of the Soldiers and all other Expences which have
 been incurred on account of the Expedition and are not to be De-
 frayed by the Colony under Your Government from the Time of
 their being Levied, to the Time of Your Attesting the said Accounts
 together with the Vouchers thereof all Duly Certified upon Oath
 by the Proper Parties Before you; and a Copy of the Proclamation
 issued by you, for the Encouragement of Troops to Inlist in the
 aforesaid Service with Copies of the Votes for Your Assembly
 touching the Bounty & Subsistance or Allowance of Provisions
 Granted by them to the Troops and we must further Desire that
 you would in pursuance of his Majestys Orders Communicate to us,
 your Sentiments and Opinion as to the manner of Discharging
 these Officers and Soldiers, and upon what foot it may best be done
 having Regard to his Majestys Commands to Us, for doing it in
 the most frugal manner, and his Expectations in this affair; and this
 we Desire you will forth with do; as a Great Charge is Running on
 till the Soldiers shall be Dismissed by Us from this Service

We must also Desire you in Obedience to his Majestys Com-
 mands to Recommend it to Your Assembly to furnish such Sums
 of Money or Credit as may be wanted to Pay off the Soldiers which
 you will perceive by the Extract of the Duke of Newcastles Letter;
 is to be Provided for by Parliament as soon as the Accounts of the
 whole Charge incurred by Raising the Levies shall be Transmitted
 to his Grace by Us; and forthwith to let us know your Opinion of
 p. 215 the Success of such an application; as also to let us know whether
 you have advanced any and what sums of Money, to the Officers and
 Soldiers or any of them on Account of their Pay and after what Rate
 and to what time they are paid in full

And as you perceive we are Commanded by his Majesty to Re-
 tain such a Number of the American Levies in his pay, as we shall
 Judge Sufficient for the securing of Nova Scotia against the Enemys
 Attempts, untill Reinforcement can be sent thither from Great
 Britain, the Preservation of which Colony is of the Greatest Im-

portance to the safety and welfare of all his Majestys Northern Colonies; and also that M^r Shirley is Ordered by his Majesty to Compleat his Own as well as Sir William Pepperrells as Likewise Lieutenant General Phillips Regiment Out of those Troops, we hope you will assist the Officers who shall be sent to Raise Recruits for those Purposes, into your Government, with your Influence and Authority, and Contribute everything in Your Power to their Success and the Promoting of his Majestys Service

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We think it Clear that the Arms and Accoutrements of the Soldiers are to be Returned and where the men have Lost them their Value must be Stopt out of their Pay or rather the several Captains are to be called on for the Armes of their Respective Companys and are Chargeable therewith, which you will be pleased to Consider. And we must Desire you will forthwith let us know Your opinion of what Pay it will be Reasonable to allow the Officers as well as men, for their Service

We are Sir Your honours most Obd^t humble Servants

W : Shirley Cha : Knowles

Adjourned till to Morrow Morning ten of the Clock

Wednesday Morning 23^d December

December 23

This House met again according to Adjournment

Present as Yesterday

Read the Remonstrance of the Justices of Prince Georges Counting Praying that an Act may Pass to ascertain the Bounds Between the said County of Prince Georges and Baltimore County; Read the Petition of Several the Inhabitants of Prince Georges County praying that a Bill may be brought in to levy two hundred thousand Pounds of Tobacco in two Years on the taxable Inhabitants of the said County for Building a Court house at Such Place as the Majority of the said Inhabitants shall agree upon, Referred to the Consideration of the Lower house of Assembly, & Sent by Col Tasker

p. 216

Benjamin Tasker Esq^r attended by the Members of this house presents to his Excellency the address of this house which address follows in these words

To his Excellency Samuel Ogle Esq^r Governor and Commander in Chief in and over the Province of Maryland

The humble address of the Upper house of Assembly

May it please Your Excellency We are Satisfied Your Excellency would not have called Us together at this late and Severe Season, but in Obedience to his Majestys Commands and from Your Zeal to his Service

U. H. J.
Liber No. 34

We are Sensible that the French will Embrace every Opportunity to annoy his Majestys Dominions and Distress his Subjects; and that It is the indispensable Duty of all Britons to Contribute their utmost Endeavours to Defeat the Designs of so dangerous an Enemy.

As to Our Own Parts, we assure Your Excellency that nothing in Our Power shall ever be wanting to demonstrate Our Loyalty to Our most Gracious Sovereign, or to disappoint the schemes of his Majestys Enemies against his Sacred Person & Government or to Our own Security and that of Our fellow Subjects

Benjamin Tasker President

To which address his Excellency was pleased to Return the following Answer

Gentlemen of the Upper house of Assembly I return you thanks for your kind Address; and am well Satisfied of Your Zeal for his Majestys Service and the Security of Our fellow Subjects in General as well as the Interest of this Province in Particular

Sam: Ogle

Adjourned till three of the Clock in the afternoon

Eodem Die post Meridiem

This house met again According to Adjournment

Present as in the Morning

A Message from the Lower house by Mess^{rs} Sheredine & Sullyvan

By the Lower house of Assembly 23^d December 1747

p. 217 May it please your Honours. The Inclemency of the weather having Prevented several Gentlemen of this house attending at the Time mentioned in his Excellency the Governors Proclamation for meeting this house employed Several Messengers to go for those Gentlemen, who with any Probability were supposed to be able to attend, and as those Messengers expect to be paid immediately for their Trouble and Expences, We propose that Orders be Drawn on the Treasurer of the Western Shoar by the Clerk of this house Payable to the Messengers or their Order or Orders with which if Your house concurs those Orders will be Drawn Accordingly

Signed p Order M Macnemara Ct. Lo. H.

The following Message is sent by Cot Hammond

By the Upper house of Assembly 23^d Decem^r 1747

Gentlemen This house is willing that the Messengers who were sent for those Members of Your house, who were prevented by the Badness of the weather from Attending at the Time of meeting mentioned in the Governors Proclamation, be paid by an Order or Orders drawn by the Clerk of Your house on the Treasurer of the Western Shoar

Signed p Order John Ross Ct Up H.

The following Message is sent to the Lower house by Daniel Dulany Esq^r U. H. J.
Liber No. 34

By the Upper house of Assembly 23^d December 1747

Gentlemen No man in this Province can be insensible of the unhappy Situation of it, and that the Conduct of some Merchants has Contributed very much to the Misfortunes We Labour Under, by their Misapplication of the Money which many of the Inhabitants of this Province had the Misfortune to intrust them with The Sufferers in hopes of Recovering at least some Part of what they have been Defrauded of, sued out Attachments as their only Remedy in View of Getting some of the Merchants Effects in the Country wherein some have succeeded but many more have only added to their first Loss, by Runing themselves to a Great and fruitless Expence; Those who have had any Success are threatened to be called to a severe Account for daring to meddle with the Effects of a Merchant, who, in Violation of the trust reposed in him, has Converted money to his own Use, which was Lodged in his hands, with Directions to Dispose of it in a Particular Manner for the Benefit of those it belonged to; and a new Doctrine is attempted to be introduced that the Effects in this Province, belonging to a Merchant who never was here, are not Subject to any attachment

We are informed that they do not intend to Stop here, but are resolved to apply to the Parliament for an Act to screen and secure all their Effects in the Plantations from all Kinds of Process: and if they should Prevail we must be entirely at their Mercy; And therefore that we may not be wanting to ourselves in doing all we are able to avert the impending Danger; in Order to which, We propose to send a fair State of our Case to his Lordship and an Address to him to oppose any such Act passing; and that we may Save Time as much as Possible, we will either send you the Case and Address for Your Consideration, or some of our members will Confer with such of Yours as you shall appoint, on the Subject

The Governor is here ready to Comply with Your Request and this house will Continue Sitting till we know whether you will enter into the Consideration of what is mentioned in this Message p. 218

Signed p Order John Ross Ct Up H.

A Message from the Lower house by Mess^{rs} Barnes and Handy

By the Lower house of Assembly 23^d December 1747

May it please Your Honours In Answer to Your Message of this Day by Daniel Dulany Esq^r this house having Determined not to undertake any new Business, have referred the Consideration thereof to the next Session of Assembly

Signed p Order M Macnemara Ct. Lo. H.

U. H. J. Col George Plater is sent to the Lower house to Acquaint the
 Liber No. 34 Speaker that his Excellency requires his immediate attendance with
 the Lower house in the Upper house

 The Speaker and the Lower house attend and his Excellency is
 pleased to make the following Speech

 Gentlemen of the Lower house of Assembly

 I wish with all my heart you could have thought of any way of
 Answering his Majestys Expectations at this Time in Relation to
 Our Own Levies agreeable to the Zeal you have hitherto shewn upon
 the Like Occasions; but as you Represent it, impracticable for Us
 p. 219 to raise or Advance any further Sum for the Payment of the said
 Forces; nothing Remains for me to do, but to put an End to this
 Assembly

 Gentlemen of both Houses I have therefore thought fit with the
 Advice of his Lordships Council of State to Prorogue this Assembly
 to the second Tuesday of May next, and you are to take Notice you
 are Prorogued to that Day accordingly

 Thus Ends this Convention of Assembly begun and held at the
 City of Annapolis the 22^d Day of December and Ending the 23^d
 Day of the same month in the 33^d Year of his Lordships Dominion
 and in the 21st year of his Majestys Reign Annoq Domini 1747

 Jn^o Ross Cl.

THE LOWER HOUSE OF ASSEMBLY

At an Assembly held at the City of Annapolis on Tuesday the
 Twenty second Day of December in the year 1747 and in the Thirty
 third Year of the Dominion of the Right Hon^{ble} Charles Absolute
 Lord and proprietary of the provinces of Maryland and Avalon
 Lord Baron of Baltimore &c^a (His Excellency Samuel Ogle Esq^r
 being Governor) appeared in the Lower House of Assembly.

L. H. J.
 Liber No. 46
 p. 739
 1747
 December 22

The Honourable Colonel Edward Sprigg Speaker.

For St Mary's County

M^r Philip Key
 Major Abraham Barnes
 Cap^t Zachariah Bond
 M^r James Mills

For Charles County

M^r John Courts
 M^r Bayne Smallwood
 Capt. Richard Harrison

For Kent County

M^r John Gresham
 M^r Richard Gresham

For Somerset County

Col. George Dashiell
 Capt. Isaac Handy

For Anne Arundel County

Major Henry Hall
 Doct^r Charles Carroll
 M^r Philip Hammond
 M^r Thomas Worthington

For Talbot County

M^r Robert Lloyd

For Dorchester County

Col^o Henry Hooper
 M^r Daniel Sulivane

For Baltimore County

Major Thomas Sheredine
 Capt. John Paca
 Doct^r George Buchanan
 Col^o John Hall

For the City of Annapolis

Cap^t Robert Gordon
 M^r Walter Dulany

For Prince Georges County

M^r John Stoddert

For Queen Ann's County

M^r Thomas Hammond
 Cap^t Edward Tilghman

A sufficient Number of Members to compose a Lower House of
 Assembly being met at the Stadt House Doctor Carroll, and Col^o
 Hall were sent to acquaint the Governor therewith Col^o Lloyd and
 Col^o Tasker from the Upper House acquaint M^r Speaker that the
 Gov^r requires the Attendance of the Lower House immediately.
 M^r Speaker left the Chair and attended by the Members of the

L. H. J. Lower House went to the Upper House Where his Excellency made
 Liber No. 46 the following Speech, (See page 675)

p. 740 M^r Speaker with the Members returned to the Lower House and resumed the Chair

The Governor communicated to M^r Speaker the following papers
 (See page 676)

p. 742 On reading his Excellency the Governor's Speech and an Extract from a Letter of his Grace the Duke of Newcastle to Governor Shirley and Commodore Knowles and a Letter from Governor Shirley and Commodore Knowles to the Governor of this Province; Resolved that this House do take the same into Consideration in the Afternoon.

The House adjourns for an Hour

Post Meridiem

The House met according to Adjournment

The House having taken into Consideration the Governor's Speech Ordered that an Address be prepar'd to his Excellency thereon; and that M^r Hammond Doctor Carroll Col^o Hooper M^r Key and M^r Lloyd do prepare and bring in the same M^r Hammond from the Committee appointed to prepare an Address to the Governor brings in the following viz.

To his Excellency Samuel Ogle Esq^r Governor of Maryland

The humble Address of the House of Delegates.

May it please your Excellency

We His Majesty's most Dutifull and Loyal Subjects the Delegates of the Freemen of the Province of Maryland in Assembly convened return your Excellency our sincere Thanks for the kind Expressions in your Speech at the Opening of this Session. The
 p. 743 Inclemency of the weather has rendered the Meeting in Assembly at this Time very difficult by the Deepness of the Snow and the Bay and Rivers being frozen: But our Duty to His Majesty, and determined Resolutions to do every Thing in our Power to answer his Royal Expectations make us bear the present Inconvenience with great chearfulness.

We will immediately take the subject Matter recommended in Your Excellency's Speech and the Extract of the Duke of Newcastle's Letter into our Serious Consideration and determine there-upon agreeable to the present Circumstances of the People we represent.

Which was Read Approved and Ordered to be Ingrossed.

The Address to the Governor was brought in Ingrossed was Read and Assented to and signed on Behalf of the House by the Honourable Speaker.

Col. Dashiell and Cap^t Handy were sent to acquaint the Governor this House hath prepared an Address to him and desires to know when and where he will please to receive it. They Return and acquaint M^r Speaker the Governor signified to them he was ready to receive the Address immediately at his own House. L. H. J.
Liber No. 46

Col. Dashiell and Cap^t Handy were sent to present the Address to the Governor

On reading and considering the Extract of the Letter from his Grace the Duke of Newcastle to Governor Shirley and Commodore Knowles and the Letter from Governor Shirley and Commodore Knowles to the Governor of this Province the further Consideration thereof was referred to the Morrow Morning.

The House adjourns 'til Tomorrow Morning 9 of the Clock.

Wednesday Morning, December 23. 1747

December 23

The House met according to Adjournment &c.

Upon further and mature Consideration of that Part of the Extract of the Duke of Newcastle's Letter transmitted by Governor Shirley and Commodore Knowles to his Excellency the Governor and laid before this House which relates to raising Money or Credit for Payment of the Forces raised in this Province and transported to Albany for His Majesty's Service in an intended Expedition against Canada in Pursuance of a Letter of his Grace the Duke of Newcastle's as Principal Secretary of State to the Governor of this Province, dated Whitehall April 9. 1746. Resolved Nemine contradicente, that inasmuch as this Province hath been at very great Expence in Encourageing the Inlistment of 300 Men for the said Service maintaining them here, transported them to Albany in the Province of New York and supplying them with Provisions there; and that at present the people labour under very heavy Taxes and other great Difficulties too tedious to enumerate: Therefore this House cannot consistent with their Duty to their Constituents further burthen them with the raising Money for Payment of the said Forces.

And Ordered That M^r Philip Hammond Doctor Charles Carroll Col^o Hooper M^r Key and M^r Lloyd prepare an Address to his Excellency the Governor acquainting him with the sense of this House thereupon accordingly and that no further Business lies before us.

Col^o Tasker from the Upper House delivers to M^r Speaker a Remonstrance and Petition of the Justices of Prince George's County Court praying that an Act may pass to ascertain the Bounds between Prince George's County and Baltimore County and several Petitions of the Inhabitants of Prince George's County praying p. 744

L. H. J. leave to bring in a Bill to move the Court House of the said County
 Liber No. 46 severally Indorsed. Referred by the Upper House to the Consideration of the Lower House which Petitions were severally read here and referred for Consideration next Assembly

The Governor communicated to M^r Speaker the following Answer. viz.

Gentlemen of the Lower House of Assembly

I return you my hearty Thanks for your obliging Address and the Resolution you express to do every Thing in Your Power to answer his Majesty's Expectations agreeable to the present Circumstances of the Province Sam^l Ogle

M^r Hammond from the Committee appointed delivers M^r Speaker the following Address, viz.

To his Excellency Samuel Ogle Esq^r Governor of Maryland

The humble Address of the House of Delegates.

May it please your Excellency.

We his Majesty's most dutiful and loyal Subjects, the Delegates of the Freemen of Maryland in Assembly convened taking under our serious consideration the Extract of the Duke of Newcastle's Letter laid before us recommending the advancing Money for the Payment of the levies raised by this Province on the late intended Expedition against Canada as well as all the Ways and Means in our Power for complying with his Majesty's Hopes and Expectations therein beg leave under the greatest Concern to represent to Your Excellency that the vast Charge and Expence the people of this Province have already been at in levying maintaining here transporting to Albany in the Province of New York the Place of general Rendezvous and further Supplying these Levies with Provisions there together with the heavy Taxes and other Difficulties under which the People we represent now labour, have rendered it altogether impracticable for us to raise or advance any sum for Payment of the said Forces. And as no further Business lies before this House we pray your Excellency will please to put an End to this Meeting.

Which was Read Approved and Ordered to be Ingrossed

The House adjourns for an Hour.

Post Meridiem

The House met according to Adjournment &c

p. 745

The following Message, (See page 680)

Was sent to the Upper House by Major Sheredine and M^r Sullivane

M^r Hammond from the Committee appointed delivers the Address to the Governor Ingrossed; which was Read and Assented to and signed by Order of the House by the Honourable Speaker

M^r Key And M^r John Gresham were sent to acquaint the Governor this House hath prepared an Address to him and desires to know when and where he will please to receive it. L. H. J.
Liber No. 46

They return and Acquaint M^r Speaker the Governor signified that he would be ready to receive the Address immediately at his House

M^r Key and M^r John Gresham were ordered to present the Address to the Governor.

Col^o Hammond from the Upper House delivers to M^r Speaker the following Message (See page 680)

Daniel Dulany Esq^r from the Upper House delivers to M^r Speaker the following Message (See page 681)

The following Message, (See page 681)

Was sent by Major Barnes and Capt. Handy George Plater Esq^r from the Upper House acquaints M^r Speaker the Governor requires the Attendance of the Lower House immediately in the Upper House p. 746

M^r Speaker left the Chair and with the Members of the Lower House attended the Governor in the Upper House where his Excellency made the following Speech (See page 682)

So endeth this Convention in Assembly this Twenty third Day of December in the Thirty third year of his Lordships Dominion, Anno Dom. 1747 Test. M Macnemara C^t lo. ho.

APPENDIX

[Additional Orders and Instructions to our Right Trusty & well Beloved Tho: Bladen Esq^r our Lieutenant Governor of our Province of Maryland, [from Lord Baltimore, London.]

Calvert
Papers
No. 295½
p. 109
August 7
1745

Having been Informed that a Sum of Money has been directed to be raised in pursuance of an Act of Assembly Intituled an Act, for the Better Defence & security thereof, you are not to suffer the sum so Raised, to be Disposed off, for the Defraying of the Charge of Suppressing the Indian Conspiracy unless the Assembly shall Consent thereto, and to take Care that such Sum be Properly deposited to be Disposed off as the Exigencys of Government may Hereafter Require

[Myndert Schuyler, Nicolaes Blecher, Dirk Ten Broeck, Hendrick Ten Eyck, Cornelius Cuyler, Johannis Lansing Junr., Jno De Peyster, Stephen Van Rensselaer, and Reyer Gerritse, Albany, to the Governor of New York]

Black Book
No. 8
Letter No. 84

May It please your Excellency We have received your Excellencies Letter of the 31st July with a Paragraph of Governour Shirleys Letter there inclosed and have Considered of the Same, when we rec^d your Excellencies Letter we had Already sent two Indians to the Northward to Enquire who were the Authors of this Murder and they brought us an Authentick Account that it was Committed by some of the Orondac we have formerly mentioned to Your Excellency and we daily Expected some Mohawk Indians from Canada and resolved to waite their Arrivall before we sent our Interpreter to the Six Nations about the said Murder Committed in New England, The Mohawks returned Last Fryday and we Examined them Concerning what passed between the Indians of the Six Nations and the French Governour, when they Informed us of Sundry particulars the Minutes whereof of the 9th Instant we send here inclosed, but they were Either afraid or Ashamed to Tell us the Truth. Since which Our Interpreter has Sounded A Trusty man of the Mohawks in Private who Informed him of what we believe has Actually past at Canada, the Contents of which is Contained in the Inclosed minutes of this date. Your Excellency will thereby perceive that the Canada Indians have all taken up the Hatchet against the English, so that there is now an End of the neutrality with the Indians and we must expect to be Attacked by them as soon as they Conveniently Can, but what is still worse is That the French Governour is about Setting our Indians against us which it seems he has made the Chief point At this meeting and has Actually offered them the Hatchet, against us which they have not Refused but

Black Book No. 8
Letter No. 84

Told him That they would Consider of it At Onondago and then give him their Answer, so that Our Indians are It seems Almost gained by the French to their Interest and if the most Effectual and Speedy care be not taken, we must expect to have them our Enemies, as our Indians Seem to be in so wavering A Scituation, we have not thought proper to send our Interpreter up about the Murder in New England as judgeing he would meet with no Success, we hope your Excellency will Approve of our Management, herein we think it Absolutely necessary That Your Excellency should Come up here As soon as possible to meet the Six Nations, and it would be proper in our Opinion That Comm^{rs} of the Massachusetts bay be then Also present, To Endeavour to take some new Measures with the Six Nations and if it be then Thought proper, To prevail upon them To take up the Hatchet against the french If this be not done the French will Leave nothing Unessayed to make them our Enemies in which they have already made too great Progress. The french have so great a Number of Indians in their Interest, as makes our Indians fearfull to Offend them, Especially as we do not provide for their Safety and Defences. As Affairs are at Present in this Criticall posture It is Absolutely necessary that the Assembly Enable Your Excellency to make more then Ordinary presents in Order to which they Should likewise Consider that the price of Goods is greatly Advanced and that It will be necessary that the warriours be Called down Here as well as the Sachims upon this Occasion.

We hope That the Assembly will at Last resolve to raise Money for a Fort, At the Carrying Place and To keep a proper Number of Men there For outscouts to protect Our frontiers in some Measure against the Enemy If this be not done, That the Outscouts can have a Rendezvous It is impossible to keep any Parties out, so that Our Country must then Lie Exposed to the Enemy Even to the Gates of this City.

The £300 allowed Us for Outscouts is not only Expended but Considerably Exceeded.

As soon as your Excellency resolves to Come Up here It will be necessary that we are Acquainted therewith, That we may send up the Interpreter to Call down the Indians to meet Your Excellency here At the day Appointed.

We Think it both necessary and just That the Provinces of Virginia Maryland and Pensilvania should likewise send Deputies here with Presents to Attend At this meeting ffor this Affair Concernes All the Provinces in an Especial manner.

Black Book No. 8
Letter No. 96
August 24
1745

[G. Clinton, New York, to the Hon'ble Thomas Bladen, Esqr.]
Sir By the Copys of the Letter from the Commissioners of Indian Affairs at Albany, and their Minutes of the 9th and 12th Instant

herewith inclosed You will Judge what a Wavering and fickle Disposition the United Nations of Indians in League with the Respective British Colonies on the Continent, are at length brought to, Through the Indefatigable Industry and delusive Artifices and Intrigues of the French, and will thence Conclude how much it imports these Respective Governments to unite their Force and Councils, in order to defeat their Destructive Schemes

Black Book
No. 8
Letter No. 96

The French of Canada, from the late Success of the British Arms in the Conquest of the Island of Breton, no doubt are become Apprehensive, that we have Views of penetrating farther into their Country (as I hope the Case may be) And making them still more Sensible of British Resentment: As no Acquisition Could be of such Infinite advantage to these Colonies, It must Therefore be a Matter we have almost Warmly at Heart, And the French most Terrible Ideas of, It behooves them thereof to Exert their profoundest Policies and Craft in pursuing at all Adventures, such Measures as may be most likely to frustrate any such Attempts, and divert that Torrent which they may imagine seems Ready to overwhelm them; And as a Main Expedient to ward off the Impending Danger, It seems probable the French have made the Strongest Efforts to induce our Indians to a Revolt, And indeed they seem to have made but too great Condesention towards it, by Accepting from the Governor of Cannada Belts of Wampum Containing the figure of a Hatchet, Signifying among those People a Declaration of Warr, upon Condition only of Carrying them to their Respective Castles to deliberate upon, before they give their decicive Answer. Since Matters are brought to this Crisis, I Could not hesitate one Moment about Communicating this Intelligence to the Governours of the Respective Colonies, concerned in the Issue of an Affair of such great Concern And at the same time informing them of the Steps I am taking, in order to Retain these reunited Nations in their fidelity to his Majesty and firm to their Engagements entered into by their several Treatys, Concluded and so Often Renewed and Confirmed between them and the Governors of the Respective British Colonies, To this end I have appointed the fourth day of October next for a Meeting and Conference with them And have Thought it necessary (as the Value of Indian Goods is Exceedingly enhanced) to be provided with £1000, which is upwards of the Value of two years usual presents, As the most persuasive means to Restore them to perfect good Temper, and Reestablish them in a firm Attachm^t to us, insomuch as to engage them (if possible) to Joyn heartily with us in an Offensive prosecution of the Warr whenever it shall become Necessary. These are my Views which I shall use my utmost Endeavour to Attain to the Accomplishment whereof, The presence of Deputys from your Governm^t at the same time furnished with the like means (as it seems absolutely necessary so) will no doubt very

Black Book much Contribute; wherefore as soon as I was enabled and deter-
 Letter No. 8 mined to give the Indians this Interview (though at a Season I
 No. 96 should not have fixed upon but through Necessity) I have Imediately
 notified it to you by Express in full perswasion that you will en-
 deavour to Comply with what ever may be thought proper and
 expedient to be done by your Government in this Matter at this
 Critical Conjunction

Black Book [Deposition of Peter Brightwell of Prince Georges County, taken
 No. 6 by P. Thomas]
 Letter No. 84

March 16 This deponent being duely sworn deposeth & saith that on the
 1745/6 11th day of this Instant, being at the House of John Nicholls of the
 [Bright- said County & falling into discourse with the Wife of the said
 well makes his Mark] Nicholls she said to him this deponent that she wish'd she lived
 within five Miles of a certain House, that she would run the risque
 of her neck but she would burn it. She said that she would set it on
 fire & then make her escape as fast as she could for fear of the Am-
 munition she Suspected to be in it. This deponent then told her it
 was dangerous to do such things, to which she replied, Well, she
 would do it. Then this deponent Ask'd her why she would do it, She
 answered because they would never for these Seven or five years
 (this deponent do's not remember w^{ch}) suffer any Woman to come
 into it, even the Wife of the Master of the House had been known
 to be at the Plantation a Month or five Weeks together & was never
 Suffer'd to come into it. This deponent Ask'd her whose House
 it was she Spoke of, she Answered Arnold Livers at Monococy.
 And that whenever the said Arnold Livers & his sett or company
 went into the said house there was always a Watch or Guard set
 About it. She aded that she had this information from a Woman
 named ——— Mitchell as this deponent thinks, who is a Roman
 Catholic.

Black Book [Deposition of Richard Warfield of Annarundel County taken by
 No. 6 P. Thomas.]
 Letter No. 82

March 18 This deponent being duely sworn deposeth & saith that he this
 1745/6 deponent heard one Augustine Gambol say that he the said Gambol
 heard one Silvanus Marriot say, that meeting with Daniel Hearn
 sometime after the report of the Pretenders Son's landing in Scot-
 land, he the said Hearn ask'd him the said Marriot if he had heard
 of King Charles, or Prince Charles's landing, that he understood
 the said Hearn to have Spoke in a Jestng manner as to an old ac-
 quaintance.

That he this deponent hath not to the best of his knowledge Spoke
 with or Seen the said Hearn these seven Years Past

[Deposition of Robert Ridgeley of Annarundel County taken by
 P. Thomas.]

This deponent being duely Sworn deposeth & Saith, that he hath known Daniel Hearn many years, & that he never heard the said Hearn Say anything about the Pretender, or anything disrespectfull towards his Majesty King George, or the Government but on the contrary he always took the said Hearn to be an honest quiet man

Black Book
No. 6
March 18
1745/6

[Additional Orders & Instructions to our Trusty & Well Beloved Tho. Bladen Esq^r our Lieutenant Governor of our Province of Maryland from Lord Baltimore, London]

Calvert
Papers
No. 295½
p. 110
January 13
1746
[Attested by
Jno. Brown-
ing, Secre-
tary]

B— Having duly Considerd the Difficultys of a Revenue Bill, I do Strictly order & Direct you not to Consent to any Bill or Bills relating to my Revenue, Till you have my farther Orders or direc- tions And that you do Summons a Counsel as soon as may be, And Cause this my Instruction to be Enter'd in the Counsel Book

[Veto of Act of 1745, Laying an Imposition on Tobacco.]

Charles Absolute Lord & Proprietary of the Province of Mary- land & Avalon, Lord Baron of Baltimore &c. To our right Trusty & well beloved Tho: Bladen Esq^r Our Lieutenant Governor of our Province of Maryland and to Our Right Trusty & well Beloved the Upper & Lower Houses of our Assembly, there & to all others in Our said Province of Maryland for the time being Greeting Whereas at a Sessions of Assembly begun & held at Annapolis in our said Province of Maryland the fifth day of August in the Thirty first Year of our Dominion over the said Province of Maryland Anno Domini 1745 An Act Entituled An Act for Laying an Imposition on Tobacco and Other Commodities therein mention'd for the Dis- charge of his Lordships Quit-rents & support of Government passed into a Law, on due Consideration thereof Wee have thought fit to dissent, to the said Act, and do hereby declare the said Act Null & Void, and of no Effect.

p. 111
March 20
[Attested by
Jno. Brown-
ing, Secre-
tary]

[Orders & Instructions to our Trusty & well beloved Thomas Bladen Esq^r our Lieutenant Governor of Our Province of Maryland & to Our Trusty & well Beloved Benjamin Tasker & Edmund Jennings Esq^{rs} by Lord Baltimore, London.]

p. 112
April 2
1746
[Attested by
Jno. Brown-
ing, Secre-
tary]

Whereas it doth Appear that there is a Considerable sum of Money due to me from M^r Phillip Thomas's Account as Late Farmer of Baltimore Anne Arundel & Calvert Countys

I do therefore direct & Order every one of you as mentioned above, to Examine & settle it in the most Effectual Mannor, and that you do Cause the Ballance due to me, to be Immediately paid into the hands of my Agent.

And for an Encouragement to M^r Onerio Razolini, who for the Pains & trouble he has had in Discovering this fraud, or Mistake out of the to be paid by M^r Phillip Thomas, I desire you will present him wth one Hundred Pounds, and that the Peticulars of the Acco^t be transmitted to me, and you are Likewise to thank M^r Onerio Razolini on my Behalf.

Black Book [A Schedule of Deeds and papers sent to Maryland wth M^r W^m
 No. 6 Manduit by the Right Hon^{ble} Cha: Lord Baltimore] April 4th 1746.
 p. 113
 April 4 1746 17 Feb. 1745/6. Release from M^r Jn^o & M^r Herbert Hyde to
 M^r Samuel Hyde

The s^d M^r John & Herbert Hyde their Authority to his Excel-
 lency Governor Bladen & Others to Acknowledge the s^d Deed

17th & 18 Feb^{ry}. Lease & Release from M^r Samuel Hyde to Lord
 Baltimore of Certain Lands &c. therein mentiond & also Ass^t of
 Debts.

The said Sam: Hyde Authority to Governor Bladen and Others
 to Acknowledge the same

18th Feb^{ry} Lord Baltimore Letter of Attorney to Governor Bladen
 & Benjamin Tasker Esq^r proved—Marked. A: Proofs of the severall
 debts mention'd in the Schedule to the said Deed Marked. B.

Coppy of M^r Jenings Bond for securing his Debt Market (6)
 the Original of w^{ch} is in Lord Baltimores Custody

Coppy of former Accounts between the said Samuel Hyde & the
 persons mentioned in the Schedule to the said Deed from the foot
 of w^{ch} the said debts arise and w^{ch} s^d former Accounts have been
 already proved by M^r Hyde & are in Custody of M^r Dulany
 marked. (D.)

p. 114 [Orders & Instructions to Our Trusty & well Beloved Benjamin
 July 6, 1746 Tasker Esq^r our Agent & receiver General in Our Province of Mary-
 [Attested by land from Lord Baltimore, London.]
 Jno. Brown-
 ing, Secre-
 tary]

As to what foreign whole Gold & Silver, w^{ch} at any time you
 receive in Payments on Our Acc^o tis our will & pleasure, that you do
 not Allow more then Three pound twelve shills & six pence, sterling
 p^r Ounce, for the said Gold, nor more then five shill. p^r Ounce ster-
 ling for the said silver.

And that you do take the first Opportunity by a Man of war to
 send, what Gold & Silver, you have already receiv'd on Our Acco.

Calvert [Chas Hammond, Robert Gordon, Geo. Steuart, Com^{rs} of the
 Papers Paper Currency Office, Annapolis, to Lord Baltimore]
 No. 1136
 August 16 1746

My Lord We Presume to Address ourselves to your Lordship in
 relation to the Trust reposed in us by the Act of Assembly for Emit-
 ting and making Current Ninety Thousand pounds Current money
 of this Province in Bills of Credit.

That Act Impowered Mess^{rs} Samuel Hyde, William Hunt and
 Robert Cruikshank, or any two of them to Act as Trustees for
 Several purposes in the Execution of that Act in London, But as
 the same placed the Conduct of those Trustees under your Lord-
 ships Superintendency and direction, And further Impowered your
 Lordship to remove Any Trustee and nominate Another as your
 Lordship should think proper.

M^r Cruikshank being by his Removal incapacitated to Execute the Trusts in that Act and M^r Hyde having declined this trade, We apprehend, there is only M^r Hunt now remaining of the Trustees named in the Act to whom we Can so properly Apply ourselves as we Could wish in discharge of the duty required from us by that Act, And as M^r Hunt may dye or if it be our Misfortune your Lordship should.

Calvert
Paper#
No. 1136

We therefore Humbly hope your Lordship will be pleased to make an Appointment of such persons to be Trustees as may make up the full Number (which is three) Originally designed by that Act. And that your Lordship would direct their names to be Signified to us that we may Conform Accordingly.

The first payment of the Paper money by Bills of Exchange is to be made on the 29th September 1748. At which time one third of the Bills then produced is to be discharged, and all the Bills to be burnt, And two thirds to be Reemitted in new Bills, By this we are under a Necessity of being provided with a proper number of bills And have by this Conveyance directed Mess^{rs} Hunt and Hyde (Agreeable to the Inclosed Letter) to forward them to us, And we doubt not but by your Lordships Directions to those Gentlemen we receive them in the Safest and Speedyest Manner, For we must be greatly Streightned in time to Compleat the Bills after they Come to our hands by Signing and Distinguishing them so as to prevent Imposition.

A Committee of both houses every Session inspect not only our Accounts; but those sent from England, which not being Accompanied with any Certificate from the Bank or Affidavit that the money in the Account was Lodged there in Bank Stock, the Lower house made a Resolution which we take the liberty to lay before your Lordship

We have always been very unwilling to trouble your Lordship with any Applycations; But as these particulars so nearly relate to the due Execution of the Trusts, in which the well being and property of the People of this Province are so greatly Concerned, We flatter ourselves your Lordship will Excuse this freedom, And more Especially as your Lordships care and Superintendency in this matter are not only Considered by the Act of the Assembly but by the Province in General as one of the best Securitys, That this Act shall be Executed with Iustice and Exactness in the most material parts of it.

[To his Excellency Samuel Ogle Esq^r Governour and Commander in Chief; And to the Honourable the Upper & Lower Houses of Assembly of the Province of Maryland from the Inhabitants of the upper Parts of Anne Arundel County.]

Black Book
No. 1
Letter No. 40
No date

The Petition of the Inhabitants of the upper Parts of Ann Arundel County & adjacent Places Humbly Sheweth That Some of the

Black Book Inhabitants of the Places aforesaid having by their humble Petition
 No. 1 to his Lordship & the General Assembly in the Year 1732 set forth
 Letter No. 40
 No date " That the vast body of Rich Lands & the Scituation of the Neigh-
 " bourhood in general renders the head of Potapsco River at Elk
 " Ridge Landing a very commodious place for a Town the most
 " Convenient for the Western Part of Baltemore & all the back Land
 " on Potowmack & Monocasy Rivers; & Prayed that an Act might
 " Pass to erect the said Place into a Town, His Lordship & the
 General Assembly were Pleased to grant the said Petition, & a Bill
 was accordingly passed into a Law for erecting a Town at the afore-
 said Landing, to be called by the Name of Janssen Town

[This
 should read
Prince
Georges and
Fredrick
Counties]

But forasmuch as the Gentlemen who by the Act Passed as afore-
 said were appointed Commissioners to put the same in execution,
 never complied with the Directions thereof; & the time to which
 their Authority for laying out the said place for a Town, was limited
 is expired; so that the said Law is become void; the Petitioners beg
 leave once more to represent to your Excellency & your Honours,
 that, as the aforesaid Landing, is the nearest & most convenient Tide
 Water to the said Upper Parts of Ann Arundel, the Western Parts
 of Baltemore & the greatest part of Prince Frederick Counties &
 other remote Places about the Mountains, where Inhabitants are
 Daily increasing; as there are two very Publick Roads thro the place
 intended for the Town; which will render it Commodious for Travel-
 lers; as the Petitioners are frequently by the want of a Town con-
 venient to them put to hardships & expence in procuring the
 necessaries of Life & as it has been & is still generally expected that
 the chief part of the Trade with the said extensive back Lands must
 by Degrees center at the old Elk Ridge Landing; which was one of
 the Motives upon which many of the Petitioners did in the year
 1748 Prefer a Petition to your Excellency & Honours for having
 the Elk Ridge Ware House built there; having been therein encour-
 aged by the Proprietors of the Land thereabouts with a prospect
 of having a sufficient Quantity of it laid out in Lots for the intended
 Town. The Petitioners relying on the good inclination of your
 Excellency & Honours in promoting things of this kind, are in hopes
 that tho by the neglect of the Commissioners they once miss'd of an
 opportunity of having a Town at the Landing aforesaid, yet this
 will not be made an objection against their having the Foundation
 of one laid there now

May it therefore please Your Excellency & your Honours that a
 Bill be brought in & passed into a Law for erecting a Town at the
 old Elk Ridge Landing on such Ground about the Inspecting House
 there, as shall be judged most Convenient for that purpose & on the
 same Terms on which other Towns have been erected near Navi-
 gable Water in this Province according to the intent of the said
 former Act & your Petitioners (as in Duty bound) shall ever pray &c.

[A Translation from "Dutch Language" Transmitted to Lord Baltimore by M^r Dulany and sign'd by twenty five names.]

Calvert
Papers
No. 295½
p. 115
No date

We whose names are hereunto Subscribed all Natives of Germany, by this do acquaint our Country men with our Settlement (some Years since) in the Province of Maryland, into which Province we came from Pensilvania, for the sake of Better Land, & Easier terms, & we assure you, that the Land in this Province is very fertile, & produces everything in Great Abundance, we here Enjoy full Liberty of Conscience, the Law of the Land is so Constituted, that every man is secure in the Enjoyment of his Property, the meanest person is out of the reach of Oppression, from the most Powerfull nor Can anything be taken from him without his receiving Satisfaction for it, all such of our Countrymen who have an Inclination to Settle in this province, & will be Industrious, Cannot fail of a Comfortable Subsistance

We take this Opportunity to Acquaint you that the Ship in w^{ch} we agreed to go to Pensilvania is not Arrived but in the province of Maryland, where we found many of our Countrymen, that have Estates & Live very Comfortably, they received us wth great Kindness, Giving us all Possible Assistance, the Land seems to be good, & we have observed that an Industrious man may Live wth great Comfort.

One of the Principal Gentlemen of this Country, (M^r Dulany) who Lives at Annapolis, the Capital of this Province, was so kind as to Assist us wth 306 Pistoles & to free us from the Captain's power, we are Perswaded that this Gentlemen will be Serviceable to Aid & Assist all Germans that will Settle in this Province

p. 116

[Orders & Instructions to the Judge & Register of the Land office by Lord Baltimore, London.]

February 24
1747/8

Whereas Thomas Bladen Esq^r is in Possession of a Tract or parcel of Land Call'd Friendship Lying upon Elk River in Cecil County, said to be taken up in my Mannor or some Reserve made for me in that County, I hereby require & direct you to make a new Grant or Patent of Confirmation for all that part of the said Tract, now in the Possession of the said Thomas Bladen, tho' it Appears, that his grant or patent, be not of an Elder date then the said Mannor or reserve provided that the Arrears of rent due for the said tract, have been duly Answer'd & paid

[Gov. Ogle's Certificate to Stephen Remsperger, Nicholas Benedick, Jacob Bruner, and Henry Thomas.]

Black Book
No. 9
Letter No. 23
October 20
1748

To all whom these presents shall come Samuel Ogle Esquire Governor of the Province of Maryland in America sendeth Greeting Know ye that whereas Stephen Remsperger of ffrederick County in the said Province Wheelwright and Nicholas Benedick Jacob Bruner of the same County ffarmer and Henry Thomas of the same

Black Book County waggon-maker all natives of Germany Have lived within
 No. 9 the said Province for many (Eight) years past and hath taken the
 Letter No. 23 Oaths by Law prescribed and have been naturalized according to
 Oct. 20 1748 Law whereby they are here Intitled to the Protection of this Gov^{mt}
 as one of the Subjects all the Rights Liberties Privileges Franchises
 & Immunities of the Subjects of his Majesty King George the second
 by the Grace of God King of Great Britain, France & Ireland and all
 other Dominions & Countrys thereto belonging whereof Maryland
 is part Defender of the faith &c and ought to be deemed Reputed
 and taken as faithfull & Leige Subjects of his said Majesty, and
 whereas Nicholas Benedrick Stephen Remsperger Jacob Bruner and
 Henry Thomas hath declared to me that they Intend with all Con-
 venient speed to visit their native Country and their Relations and
 friends there and to return again to their families & Habitations
 and have Requested me to give them proper Testimonials of their
 Conditions and Character I have at their Instance and request as by
 these presents I do Certify and declare that they are of good Repu-
 tation and have always been as good & faithfull subjects to his
 Sacred Britannic Majesty and I request that all Princes States
 Magistrates & others whom it may concern will be pleased to treat
 them the said Nicholas Benedrick Stephen Remsperger Jacob Bruner
 and Henry Thomas (they always behaving as they ought) and with
 Justice and Humanity to suffer them to pass and Repass upon their
 Lawfull business and occasion without Hindrance or disturbance,
 hereby promising to treat any of the subjects of such Princes &
 States whose affairs may Induce them to come into this Province
 in like manner In Testimony whereof I have to these presents set
 my hand and caused the Great Seal of the said Province to be af-
 fixed to the same Given at Annapolis in the said Province this 20th
 day of October in the year of the Reign of his said Majesty
 Anno Dmi 1748

Calvert [Sam. Ogle to Lord Baltimore]
 Papers

No. 1139 My Lord The last Letter I did myself the honour to write your
 February 12 Lordship was by Cap^t Belley in answer to your Lordships of the
 1748/9 23rd of Sept^r last. Since that time we have lost numbers of people
 by Death, the Feaver that came on in the Fall having raged with
 the greatest violence during the whole winter, & I fear will not yet
 leave us for some time. This has made many of us very Serious,
 as well on acc^t of our own danger, as the Loss of our Negroes, how-
 ever it has not lessened our Ardor in relation to our Elections which
 are to come on in March next & which I fear in spite of all that we
 can do will not go quite so well as could be wished.

When the Inspection Law was under Consideration many of the
 Lower house were greatly puzzled, & did not know whether their
 being for or against it might hurt or Serve them in their Elections &
 this was made such proper use of that several voted for the Law

as much out of fear as Love, & others kept out of the way, but since then, as the common people of all Countrys hate Restraint of any kind, how much soever it may be to their Advantage, the Enemies of the Law have found out their own strength & threaten to leave out every Body that was in any manner the Promoter of it, however I hope it will not be quite so bad with us as they threaten & that they will be disappointed in many places & I cannot but flatter myself, that we shall be able to moderate many of those that are even chosen against our Inclinations & your Lordship may be assured, that I shall make use of all the Power you intrust me with, for this purpose, without any other selfish views of my own than the Honour & Credit of answering your Lordships Expectations, & of bringing the people by gentle & easy means to pursue their own Interest & to increase the Trade & prosperity of the Province.

Calvert
Papers
No. 1139
February 12
1748/9

M^r D. I hope will get both his sons into the Lower house & I cannot but flatter myself, that the gentle Rubs I have given him may have a good Effect. I gave him to understand, that your Lordship had Reason to expect from me, that those I gave the most considerable places to, should do your Lordship proportional Services, otherwise you might think I followed my own inclinations more than your real Interest, if his sons should both get in & behave well, I suppose he will think himself fully entitled to the favour he asks & indeed in such a Case I propose to oblige him, as your Lordship has left it to my Discretion. In your Lordships last Letter, your words seem to emply the whole office for the son, but half of it was all that has been asked for & as this will be enough to oblige them & to keep others likewise in Expectation, I hope your Lordship will never consent to more upon any future Application.

A little after my Arrival here I writ to your Lordship about your Mannor in Baltimore County & M^r Tasker did the same, but neither of us as yet has received any Commands from your Lordship upon the Subject, & we are at the greater Loss what to do, as one M^r Arnold has received full Powers from the heir at Law of M^r Brerewood & his Creditors to sell or let it as he shall find it most for their Interest, Supposing the Title to have been in M^{rs} Brerewood it seems rightly enough conveyed by her (according to S^r Dudley Riders Advice) to the old man for the use of her husband & his Creditors & in the year 1745 I find he made a further consignment of it to his Creditors pursuant to the Act for Insolvent Debtors of which he had taken the Benefit, and it is very probable that upon a hearing at home, the Chancellor, or where I hope it may rather come, the Privy Council may think the Claim of the Creditors further strengthened by your Lordships long Silence, not only during old Brerewood's possession but for so long a time after his death, so that I cannot help thinking that no Time should be lost whatever your Lordship intends to do. I find they have a Patent signed in the year

Calvert Papers No. 1139
February 12 1748/9

1713 both by your Grandfather & M^r Carroll, & tho' in Law no private Person can make a Deed directly to his wife, none of us can pretend here to tell what your Lordships Power may be, or how it may be judged at home in favour of Creditors, however I hope an equal if not superior Regard will be paid to Marriage Articles & that your Grandfather will be thought to have had no Right to have let any Land but upon the common Conditions of Plantation. Leases made in England against the Tenor of Marriage Articles are void in Law, but it may be supposed that they will urge the contrary here, & that all the Equity that your Lordship can require is their payment of Rent at the Rate that Land was let for at the time of the Patent, & Equity taking in a number of Considerations it is almost impossible to know certainly how things may go but upon the main it is certainly necessary, as I said before, for your Lordship to proceed with the utmost Dispatch that no Advantage may be taken of your long silence & acquiescence in the Land being out of your Possession.

Young M^r Tasker is in such an indifferent state of health that he proposes to set out in a short time for England, by whom I suppose his Father will give your Lordship a full acc^t of this matter, if he does not do it by this opportunity, therefore I shall trouble your Lordship no further at present

Black Book No. 9
Letter No. 52
October 19, 1749

[Geo. Dent and John Hepburn to Gov Ogle]
May it Please Your Excellency We think it our Duty to Informe you that att Ann Arundel County Assizes a Certaine Charles Elliot Servant to Nathaniel Folson was before us Convicted of horse Stealing, and accordingly receiv'd Sentence of Death, for the Offence

Upon the best Information we can get, he has had Two Masters with the first of which he behav'd well for some time and then took to running away and other ill Practices.

Upon which his master (who is said to bear a good Character) sold him to Folson a person of an ill Character and Severe from whom Elliot frequently Runaway and behaved very ill And at length being runaway from his Master Stole the horse for which he is now Convict in order to make his Escape

We have Only to say in the behalfe of the Criminal That he is a young person not Exceeding Twenty one years (as we are Inform'd) and may in all Probability if his life is Spared take new and better Courses, And are in hopes Y^r Excellency on Consideration of his Tender years and Severity of his late Master will Extend your wonted Clemency towards him.

Calvert Papers No. 428
No date

[Lord Baltimore To the Honourable the Commons of Great Britain in Parliament Assembled.]
The Humble Petition of Charles Lord Baltimore in the Kingdom of Ireland absolute Lord Proprietary of the Province of Maryland in America.

Sheweth That his Majesty King Charles the first by Letters Patent under the Great Seale of England in the eighth year of his Reign Granted to Cecilius Calvert Baron of Baltimore your Petitioners Ancestor and his heirs A large Tract of Land in America named Maryland and thereby appointed the said Baron of Baltimore and his heirs absolute Lords and Proprietarys of the said County which was thereby Erected into a province To Hold in soccage and not in Capite or by knights service and his said Majesty Granted to the said Baron of Baltimore and heirs full power and Authority to make and Issue any laws whatsoever for the good and welfare of the said province either in respect to the publick conveniency or for the private benefit of Individuals at his and their own Discretion but with the advice and approbation of the Freeholders of the said province or the Major part of them or their Representatives (whom the said Proprietarys were thereby Authorised to summon for the purpose of making such Laws as often as occasion should require) and such Laws to Publish under the Seal of the said proprietary and his heirs with full power to Enforce the Execution thereof by Capital and other Punishment Imprisonment and Fine and which Laws by the Express Terms of the said Grant were and are to be Subject to no other Limitation or restriction whatever Than that the same be Consonant to Reason and neither Repugnant or contrary but as near as may be agreeable to the Laws Statutes Custome and Rights of England And power was likewise given to the said Lord Baltimore and his heirs from time to time to make proper and wholesome ordinances for the better Government of the said province with several other extensive Rights powers and privileges And the said Charter or grant is directed to be construed in the most favourable and Beneficial manner for the Grantee and his heirs

Calvert
Papers
428
No date

That from 1632 to this present year 1748/9 the powers of Legislature have been Exercised within this province in the full Extent of the Royal Grant by the Lords Proprietarys in their own persons or by their Governors by them appointed by the advice and Concurrence of the ffreeholders in their General Assemblys who have from time to time of their own sole Authority made and Enacted such wholesome Laws for the better ordering of the said province as the Exigencys of Government required without the least repugnancy in such Laws either to Reason or the Laws of their Mother Country, the only Test and Standard prescribed by their Charter, and as your Petitioners Ancestors from their steady and uniform adherence to the strict Terms of their Grant were never Interrupted in the Exercise and Enjoyment of their Rights and priviledges so your Petitioner had no Doubt but that from a steady pursuing the like uniformity of behaviour He should have handed down to his posterity the great Priviledges conferred upon his Ancestors by the Crown, as a reward for their Services, pure and Inviolat as they

Calvert Papers 428 No date were transmitted to your Petitioner, more especially as the Governors of the said Province have never in any respect acted so as to merit the Royal Displeasure

But your Petitioner to his great Surprise and Concern observes there is a Bill Introduced into this Honourable House Entitled "a Bill to Regulate and Restrain paper Bills of Credit in the British Colonies and Plantations in America and to prevent the same being legal Tenders in payments for money And for the better Enforceing his Majestys orders and Instructions Throughout the said Colonies and Plantations "

That the Mischeifs and Inconveniencies attending Paper Bills of Credit Intended to be redressed by this Bill have by the Prudence and Integrity of the Legislature of this province never yet extended themselves to Maryland so as to give the least occasion of offence or Complaint and therefore If it should be the opinion of this Honourable House that a General Bill to Include all the British Colonies & Plantations in America will Effectually answer the purposes of this Bill with respect to the Intended regulation of the paper Currency Your Petitioner would not be understood to give the least opposition thereto on behalfe of this province so farr as respects the regulating and restraining paper Bills of Credit.

But your Petitioner apprehends his Rights under the Charter or Grant will be greatly and prejudicially affected by the latter part of the said Bill "for the better Enforceing his Majestys Orders and Instructions throughout the said Colonies and plantations " Introduced as your Petitioner humbly Conceives, without the least Connection with the main design of the Bill, and not restrained to the Subject matter of that Bill of which the Principal object is regulating the Paper Bills of Credit

That the Royal Grant to Your Petitioners Ancestors having passed the whole Legislative powers of this province and the Government thereof in absolute propriety to your Petitioners Ancestors and their heirs The Crown have never Interfered in the Exercise thereof in prejudice to or violation of the said Royal Charter or Grant and as the Crown have never at any time Issued their orders or Instructions relating to the Government thereof so their orders and Instructions cannot have been Disobeyed in this Province and the Terms of your Petitioners grant have not as your Petitioner apprehends reserved any Power or Authority in the Crown in respect to the making or passing any Acts within your Petitioners said Province or the Assenting to or dissenting therefrom And the powers and Authoritys given by the said Charter in respect to the passing and making of Acts and Orders are so clear and Explicite that, as your Petitioner conceives, no Doubt can possibly arise concerning them. And yett such supposed Doubts on the one hand, and Disobedience to the Royal orders and Instructions on the other hand, as they make

the Preamble, so they are the sole foundation on which this part of the Bill is founded

Calvert
Papers
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No date

That the said Bill has Blended together in one general view all the British Colonies and Plantations in America without attending to the Distinction between such Plantations as are under his Majestys own immediate Commission and Government, and such Colonies as have been Erected and Established by Royal Grants and Charters, The Crown having in the former constantly reserved to themselves the giving their Sanction and approbation to all Laws there Enacted, and as they appointed the Governours, have always Issued their own orders and Instructions to such Governors as They Thought fitting; But in several of the latter, particularly in your Petitioners Province of Maryland, the Crown have wholly divested themselves of the Legislative powers and have therefore never Intermeddled therewith

That the Proprietary Governments stand greatly distinguished even from the Charter Governments for the Proprietary Lords by their residence in England near his Majestys sacred person are always ready when called upon to Answer for the due Exercise of the Power vested in them by the Royal Grants and have no Interest to promote Independent of the True Interest of their Mother Country where they have likewise a very Considerable share of property

That your Petitioner is advised That his Majesty's orders and Instructions cannot by the Laws and Constitution of this Land be made the Rule of Government in any of his Majestys British Dominions, much less will this honourable House, as your Petitioner humbly hopes, Lend their Assistance to the Enforcing such orders and Instructions as shall be Transmitted under the Authority only of the Crown to Limitt and Controll the Powers and Authoritys vested in your Petitioner and the other Proprietary and Charter Governors and in direct breach and violation of those Royal Charters and Grants

That the negative given by the last Clause of the Bill to the Governor or person acting as Governor for the time being is Inconsistent with the said Charter or Grant to your Petitioners ancestor and is a direct Invasion and Infringement of the rights vested by the said Charter in your Petitioner the Proprietary

That your Petitioner begs leave to Express his hopes that this Honourable House will not under the specious appearance of redressing the Irregularities and Excesses of Government in some of the Colonies and Plantations, overturn the Just Rights of others granted and Confirmed to them by the Royal Grant, hitherto Enjoyed Inviolat, and to this day neither forfeited or having given the least Cause of Offence

And your Petitioner further begs leave to Submit to the Consideration of this Honourable House the Dangerous Consequences of

Calvert Destroying by one Hasty Decisive Blow all the Rights and Privi-
 Papers ledges granted by the Policy of former times to the Proprietary and
 428 Charter Governments who to the Protection and Security of their
 No date Grants and Charters and the Privileges derived under the same
 Stand Indebted for their present flourishing Condition to the Envy
 of Foreign Nations and the great Honour benefit and advantage of
 their Mother Country from whom They derive their present happy
 Constitution.

Wherefore your Petitioner humbly Prays This Honourable House
 to take the premisses into their Consideration and that he may be
 heard by his Council against such parts of the said Bill as relate
 to "the better Enforcing his Majestys Orders and Instructions
 Throughout the said Colonies and Plantations" and that this Hon-
 ourable House will make such Order in the premisses as to this
 Honourable House in their great wisdom and Justice shall seem
 meet.

New York 27th January 1745

U. H. J. Sir Pursuant to my Recommendation to the Council and Assem-
 Liber No. 46 bly, to make Provision for the Appointment of Commissioners for
 p. 547 this Province, to treat with such Commissioners as are or shall be
 [This letter appointed by the neighbouring Governments, upon concerting meas-
 should have ures for our mutual Security, Defence and Conduct, during the
 been printed Present War; Committees of both Houses have conferred upon the
 at page 254] subject matter thereof, and requested me to appoint commissioners
 for that Purpose, who are to make report of their Proceedings, with
 their Opinions thereupon, that such measures may be taken jointly
 with the several Governments, as shall be judged most expedient.

They have likewise desired me to represent to the several Govern-
 ments upon the Continent, the wavering Disposition of the Indians,
 and the fatal consequence which may arise to all the Colonies in
 general, in case they should be withdrawn from their Fidelity and
 Dependence upon the British Interest: Whereupon there seems to be
 an absolute necessity for the Colonies uniting their Endeavours, at
 all Events, to secure the Indians effectually in our Interest at this
 critical Conjuncture, as the Enemy leave no Artifice untried to
 seduce them, having many Jesuitical Emissaries constantly residing
 amongst them; and should they at length prevail with them to re-
 volt, the Frontiers of the respective Colonies, subject to his Majesty,
 must lie open and exposed to the Insults of the French and Savages.
 As a union of Councils from the several Governments will be the
 most likely means of defeating the Designs of so barbarous an
 Enemy, and advancing the common cause of his Majesty's Subjects
 upon the Continent, I doubt not but you will think proper to com-
 municate this Representation to your Council and Assembly, and

recommend it to them to follow the like Example with this Government, that Commissioners may be appointed by you, to answer such laudable Ends. U. H. J.
Liber No. 46

I am, with great Respect Sir, Your most obedient Humble
Servant G. Clinton

To His Excellency Thomas Bladen Esq^r Governor of the Province of Maryland; and the Honourable the Upper and Lower Houses of Assembly of the said Province. U. H. J.
Liber No. 46
p. 557

The humble Representation of Daniel Dulany Esq^r Commissary General of the Province aforesaid, Sheweth That Application was made this Day to the Register of the Commissary's Office, by Col. Thomas White of Baltimore County, for the Copy of a will, which was made (as he says) in the Year 1690, or 1691; under which the said White and some others claim some Land. That upon searching for the Copy of the said will, it could not be found; nor is there any Book or Books, of Wills, for the Years 1690 and 1691, in the Office, That the said Will, and many others, (as the said M^r White, who was many Years Deputy Clerk of Baltimore County affirms) are entered, or register'd in the said County. [This Representation should have been printed on page 266.]

That an Act of Assembly was made in the Year 1692, to aid Defects in Judicial Proceedings, which cannot by any Construction reach M^r White's Case, or any of the like nature.

The said Commissary General therefore, conceiving it to be his Duty to represent this matter to the Consideration of the Legislature (which he would have done sooner, if he had discovered it) humbly submits, whether some provision ought not to be made for securing the Rights of Purchasers under Wills, which may have been entered on the County Court Records, altho' not register'd in the office appointed by Law for that Purpose There are some other Years, besides those above mentioned, wherein there are no Registry. D. Dulany.

George Plater Esq^r from the Upper House, delivers to M^r Speaker the Bill, entituled An Act to prevent the Evils Rising from the entering up Judgments upon Bonds, commonly called Judgment Bonds &c Indorsed By the Upper House of Assembly July 7. 1747 Read the second time, and will pass, with the following Amendments: In the 12th Line of the 1st page, after the word Bonds insert these words, which shall be taken or Executed after the end of this Session of Assembly; from the word powers, in the last Line of the same page, leave out all the remaining part of the Clause; after the word supported, in the 11th Line of the 3^d page, leave out these words, and that by no Interpretation of Laws the same should suffer; from the word and in the 1st Line of the 4th page, to the word be, in [This is not in U. H. J. but is in L. H. J. Liber No. 46 p. 724 and was omitted from page 575 of this volume.]

L. H. J. the 3^d Line to be left out; after the word on, in the 6th Line of the
Liber No. 46 same page, to the word Sureties, in 9th Line, to be left out, and the
p. 725 following words inserted, what shall be really due on such Bond or
Bonds, and the following proviso to be added at the End of the Bill;
provided always, that nothing herein contained shall extend to any
Action or Suit, where the plaintiff shall give Directions to any Attor-
ney or Attorneys, to Commence Several Actions, or where a Titling
or Titlings shall be sent to the said Office or Offices, for the suing
of several Writs on one and the same Bond.

Signed per Order J Ross Ct Up Ho.

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Words marked with a star are names of tracts of land in Maryland. No entry is made of references of a purely formal nature as to the Lord Proprietary, the King of England, the Governor of the Province, the Speaker of the Lower House, the Clerks of the two Houses of Assembly, or the Seat of Government. The Session of August 5, 1745, occupies pages 1 to 281; that of June 17, 1746, pages 283 to 420; that of November 6, 1746, pages 421 to 452; that of May 16, 1747, pages 453 to 673; that of December 22, 1747, pages 675 to 687 and the Appendix, pages 689 to 706.

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